

PROVISO

SUBCOMMITTEE

RECOMMENDATIONS



PUBLIC EDUCATION

AND

SPECIAL SCHOOLS

**PROVISO SUBCOMMITTEE
PUBLIC EDUCATION AND SPECIAL SCHOOLS
RECOMMENDATIONS FOR FY 2009-10
TO THE HOUSE WAYS AND MEANS COMMITTEE**

SECTION 1 - H63 - DEPARTMENT OF EDUCATION

- 1.27** **AMEND** (PSAT/PLAN Reimbursement) Directs that assessment appropriations be used to pay for administering PSAT or PLAN tests to 10th grade students to include the testing and report fees. Authorizes the department to carry forward prior year assessment funds to pay for state assessment activities not completed by the end of the fiscal year including scoring the spring PACT assessment.

PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to change "PACT" reference to "statewide accountability" assessment. *PACT will no longer be administered. Conform to Section 59-18-340 of Act 282 of 2008.* Fiscal Impact: OSB indicates no impact on the General Fund. Requested by Department of Education. See 1A.47 for EIA companion proviso.

1.27. (SDE: PSAT/PLAN Reimbursement) Funds appropriated for assessment shall be used to pay for the administration of the PSAT or PLAN test to tenth grade students to include the testing fee and report fee. SDE is authorized to carry forward into the current fiscal year, prior year state assessment funds for the purpose of paying for state assessment activities not completed by the end of the fiscal year including the scoring of the spring PACT statewide accountability assessment.

- 1.48** **AMEND** (National Board Certification Incentive) Provides guidelines for an annual \$7,500 salary supplement to be paid to public school classroom teachers or classroom teachers who work with classroom teachers who are certified by the State Board of Education and by the National Board for Professional Teaching Standards for the length of the national certificate and to teachers employed at the special schools. Directs CERRA to develop guidelines and administer a loan program for teachers who are U.S. citizens or permanent resident aliens applying for National Board certification. Directs that teachers who begin the application process after 7/1/07 are eligible for full loan forgiveness if at the time the teacher applies to the National Board they are teaching in a school with a below average or unsatisfactory rating. Directs that forgiveness be at the rate of 33% for each year of full time teaching in the same school regardless of whether the school exceeds a below average or unsatisfactory rating during the forgiveness period or for each year teaching full time in another school with a below average or unsatisfactory rating.

PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to direct that beginning with 2009 applicants, the \$7,500 salary supplement shall be paid beginning July 1 in the year following the year of achieving certification. Direct that up to 1,100 loan applications shall be processed annually. Authorize funds collected from educators who are in default of the loan to be retained and carried forward for National Board purposes. Change reference to "unsatisfactory" to "at-risk." *Conform to Act 282 of 2008.* Fiscal Impact: OSB indicates that the department and EOC report a cost savings of \$3 million. Cost consists of the loan amount of \$2,500 for approximately 1,200 eligible teachers. Requested by Department of Education. See 1A.26 for EIA companion proviso.

1.48. (SDE: National Board Certification Incentive) Public school classroom teachers or classroom teachers who work with classroom teachers who are certified by the State Board of Education and who have been certified by the National Board for Professional Teaching Standards shall be paid a \$7,500 salary supplement in the year of achieving certification beginning July 1 in the year following the year of achieving certification, beginning with 2009 applicants. Teachers employed at the special schools shall be eligible for this \$7,500 salary

**PROVISO SUBCOMMITTEE
PUBLIC EDUCATION AND SPECIAL SCHOOLS
RECOMMENDATIONS FOR FY 2009-10
TO THE HOUSE WAYS AND MEANS COMMITTEE**

supplement. The special schools include the Governor's School for Science and Math, Governor's School for the Arts and Humanities, Wil Lou Gray Opportunity School, John de la Howe School, School for the Deaf and the Blind, Felton Lab, Department of Juvenile Justice and Palmetto Unified School District 1. The \$7,500 salary supplement shall be added to the annual pay of the teacher for the length of the national certificate. However, the \$7,500 supplement shall be adjusted on a pro rata basis for the teacher's FTE and paid to the teacher in accordance with the district's payroll procedure. The Center for Educator Recruitment, Retention, and Advancement (CERRA-South Carolina) shall develop guidelines and administer the programs whereby teachers who are United States citizens or permanent resident aliens, and who are applying to the National Board for Professional Teaching Standards for certification may receive a loan equal to the amount of the application fee. Up to eleven hundred loan applications shall be processed annually. One-half of the loan principal amount and interest shall be forgiven when the required portfolio is submitted to the national board. Teachers attaining certification within three years of receiving the loan will have the full loan principal amount and interest forgiven. Teachers who previously submitted a portfolio to the National Board for Professional Teaching Standards for certification under previous appropriation acts, shall receive reimbursement of their certification fee as prescribed under the provisions of the previous appropriation act. Funds collected from educators who are in default of the National Board loan shall be retained and carried forward for National Board purposes. Of the funds appropriated in Part IA, Section 1, XIII.A. for National Board Certification, the State Department of Education shall transfer to the Center for Educator Recruitment, Retention, and Advancement (CERRA-South Carolina) the funds necessary for the administration of the loan program. In addition, teachers who are certified by the National Board for Professional Teaching Standards shall enter a recertification cycle for their South Carolina certificate consistent with the recertification cycle for national board certification. National board certified teachers moving to this State who hold a valid standard certificate from their sending state are exempted from initial certification requirements and are eligible for a professional teaching certificate and continuing contract status. Their recertification cycle will be consistent with national board certification.

Provided, further, that in calculating the compensation for teacher specialists, the State Department of Education shall include state and local compensation as defined in Section 59-18-1530 to include local supplements except local supplements for National Board certification. Teacher specialists remain eligible for state supplement for National Board certification.

Teachers who begin the application process after July 1, 2007 and who teach in schools which have an absolute rating of below average or ~~unsatisfactory~~ at-risk at the time the teacher applies to the National Board for certification, but who fail to obtain certification, nonetheless shall be eligible for full forgiveness of the loan as follows: upon submission of all required materials for certification, one-half of the loan principal amount and interest shall be forgiven; forgiveness of the remainder of the loan will be at the rate of 33% for each year of full time teaching in the same school regardless of whether that school exceeds an absolute rating of below average or ~~unsatisfactory~~ at-risk during the forgiveness period, or for each year of full time teaching in another school that has an absolute rating of below average or ~~unsatisfactory~~ at risk.

- 1.57 **DELETE** (Prohibit Implementation of ECERS Program) Prohibits the department from using appropriated or authorized funds to implement the Early Childhood Environment Rating Scores Program (ECERS), but directs that this prohibition doesn't apply to the Office of First

**PROVISO SUBCOMMITTEE
PUBLIC EDUCATION AND SPECIAL SCHOOLS
RECOMMENDATIONS FOR FY 2009-10
TO THE HOUSE WAYS AND MEANS COMMITTEE**

Steps. Prohibits school districts from using any source of revenue to implement the ECERS program.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Conflicts with a new federal evaluation of the Even Start Family Literacy Program.* Fiscal Impact: OSB indicates no impact on the General Fund. Requested by SC First Steps to School Readiness.

~~1.57. (SDE: Prohibit Implementation of ECERS Program) The Department of Education is prohibited from utilizing any appropriated or authorized funds to implement the Early Childhood Environment Rating Scores Program. This prohibition does not apply to the Office of First Steps.~~

~~In addition, school districts are prohibited from using revenue from any source, including state, federal, and local funds, to implement the Early Childhood Environment Rating Scores Program.~~

1.62 AMEND / CONFORM TO INFLATION FACTOR IN 1.3 (Child Development Education Pilot Program) Establishes the South Carolina Child Development Pilot Program to provide four-year old kindergarten services to at-risk children in the 8 trial districts and if any funds remain, to expand the program to the remaining plaintiff districts in the Abbeville County School District. Directs that the program be available for the 2008-09 school year on a voluntary basis. Directs the EOC to conduct an evaluation of the pilot program and issue a report to the General Assembly by 1/1/09. Authorizes unexpended funds to be carried forward and remain in the program.

PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to update school year references to "2009-10" and calendar year references to "2010." Direct that after expanding to the remaining plaintiff school districts, the program is expanded to eligible children residing in school districts with a 90% or greater poverty index. Allow providers to request waivers to the ECD 101 requirement for assistants demonstrating their completion of either comparable coursework or possessing an extensive experiential background. Change the funded cost per child from "\$4,093" to "\$4,262" for the 2009-10 school year. Direct that providers enrolling between 1 & 6 eligible children are eligible to receive up to \$1,000 per child in materials and equipment grant funds and those enrolling 7 or more eligible for up to \$10,000. Direct that providers that receive these grants are expected to participate in the program and provide high-quality, center-based programs for a minimum of 3 years and if they fail to participate for three years a portion of the equipment allocation must be returned at a level determined by the department Office of First Direct that school districts who participate in the program are not eligible to receive EIA funding for half-day early childhood development programs. Update the due date for the EOC to submit findings on the program to the General Assembly to "2010." Direct the EOC, in compliance with Section 59-6-110 [DUTIES OF ACCOUNTABILITY DIVISION], to contract out for a fiscal audit of the South Carolina Child Development Education Pilot Program. Direct that the report include a county by county assessment of existing public and private classroom capacity approved for at-risk 4 year old kindergarten students based on data collected every three years. Direct that the 2010 evaluation also include: (1) a determination of the factors including policy issues, leadership characteristics and community concerns that led to substantial increases in the number of CDEPP participants served in specific districts and counties; (2) a determination of the factors that influence the continuity of CDEPP student enrollment across the full 180-day program and policy or programmatic changes needed to assure that CDEPP participants fully benefit from the program; (3) a determination of how

**PROVISO SUBCOMMITTEE
PUBLIC EDUCATION AND SPECIAL SCHOOLS
RECOMMENDATIONS FOR FY 2009-10
TO THE HOUSE WAYS AND MEANS COMMITTEE**

many private childcare center teachers are pursuing a 4 year degree and the barriers incurred in obtaining the degree; and (4) a review of any formalized plan or evaluation data to assess the quality and impact of professional development and training provided by the Office of First Steps and the Department of Education to CDEPP teachers. Fiscal Impact: OSB indicates that the department reports the funded cost per child of \$4,262 would have an impact of \$20,754,051 to the General Fund.

NOTE: PROVISO SUBCOMMITTEE ALSO RECOMMENDS CONFORMING TO INFLATION FACTOR ULTIMATELY ADOPTED IN PROVISO 1.3

1.62. (SDE: Child Development Education Pilot Program) There is created the South Carolina Child Development Education Pilot Program (*CDEPP*). This program shall be available for the ~~2008-2009~~ *2009-10* school year on a voluntary basis and shall focus on the developmental and learning support that children must have in order to be ready for school and must incorporate parenting education.

(A) For the ~~2008-2009~~ *2009-10* school year, with funds appropriated by the General Assembly, the South Carolina Child Development Education Pilot Program shall first be made available to eligible children from the following eight trial districts in Abbeville County School District et. al. vs. South Carolina: Allendale, Dillon 2, Florence 4, Hampton 2, Jasper, Lee, Marion 7, and Orangeburg 3. With any remaining funds available, the pilot shall be expanded to the remaining plaintiff school districts in Abbeville County School District et. al. vs. South Carolina *and then expanded to eligible children residing in school districts with a poverty index of 90% or greater*. Priority shall be given to implementing the program first in those of the plaintiff districts which participated in the pilot program during the 2006-2007 school year, then in the plaintiff districts having proportionally the largest population of underserved at-risk four-year-old children. During the implementation of the pilot program, no funds appropriated by the General Assembly for this purpose shall be used to fund services to at-risk four-year-old children residing outside of the trial or plaintiff districts.

The Education Oversight Committee shall conduct an evaluation of the pilot program and shall issue a report to the General Assembly by January 1, ~~2009~~ *2010*. The report shall include a comparative evaluation of children served in the pilot program and children not served in the pilot program. Additionally, based on the evaluation of the pilot program, the Education Oversight Committee shall include recommendations for the creation of and an implementation plan for phasing in the delivery of services to all at-risk four-year-old children in the state.

Unexpended funds from the prior fiscal year for this program shall be carried forward and shall remain in the program. In rare instances, students with documented kindergarten readiness barriers may be permitted to enroll for a second year, or at age five, at the discretion of the Department of Education for students being served by a public provider or at the discretion of the Office of South Carolina First Steps to School Readiness for students being served by a private provider.

(B) Each child residing in the pilot districts, who will have attained the age of four years on or before September 1, of the school year, and meets the at-risk criteria is eligible for enrollment in the South Carolina Child Development Education Pilot Program for one year.

The parent of each eligible child may enroll the child in one of the following programs:

(1) a school-year four-year-old kindergarten program delivered by an approved public provider; or

(2) a school-year four-year-old kindergarten program delivered by an approved private provider.

**PROVISO SUBCOMMITTEE
PUBLIC EDUCATION AND SPECIAL SCHOOLS
RECOMMENDATIONS FOR FY 2009-10
TO THE HOUSE WAYS AND MEANS COMMITTEE**

The parent enrolling a child must complete and submit an application to the approved provider of choice. The application must be submitted on forms and must be accompanied by a copy of the child's birth certificate, immunization documentation, and documentation of the student's eligibility as evidenced by family income documentation showing an annual family income of 185% or less of the federal poverty guidelines as promulgated annually by the U.S. Department of Health and Human Services or a statement of Medicaid eligibility.

In submitting an application for enrollment, the parent agrees to comply with provider attendance policies during the school year. The attendance policy must state that the program consists of 6.5 hours of instructional time daily and operates for a period of not less than 180 days per year. Pursuant to program guidelines, noncompliance with attendance policies may result in removal from the program.

No parent is required to pay tuition or fees solely for the purpose of enrolling in or attending the program established under this provision. Nothing in this provision prohibits charging fees for childcare that may be provided outside the times of the instructional day provided in these programs.

(C) Public school providers choosing to participate in the South Carolina Four-Year-Old Child Development Kindergarten Program must submit an application to the Department of Education. Private providers choosing to participate in the South Carolina Four-Year-Old Child Development Kindergarten Program must submit an application to the Office of First Steps. The application must be submitted on the forms prescribed, contain assurances that the provider meets all program criteria set forth in this provision, and will comply with all reporting and assessment requirements.

Providers shall:

(1) comply with all federal and state laws and constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, gender, national origin, religion, ancestry, or need for special education services;

(2) comply with all state and local health and safety laws and codes;

(3) comply with all state laws that apply regarding criminal background checks for employees and exclude from employment any individual not permitted by state law to work with children;

(4) be accountable for meeting the education needs of the child and report at least quarterly to the parent/guardian on his progress;

(5) comply with all program, reporting, and assessment criteria required of providers;

(6) maintain individual student records for each child enrolled in the program to include, but not be limited to, assessment data, health data, records of teacher observations, and records of parent or guardian and teacher conferences;

(7) designate whether extended day services will be offered to the parents/guardians of children participating in the program;

(8) be approved, registered, or licensed by the Department of Social Services; and

(9) comply with all state and federal laws and requirements specific to program providers.

Providers may limit student enrollment based upon space available. However if enrollment exceeds available space, providers shall enroll children with first priority given to children with the lowest scores on an approved pre-kindergarten readiness assessment. Private providers shall not be required to expand their programs to accommodate all children desiring enrollment. However, providers are encouraged to keep a waiting list for students they are unable to serve because of space limitations.

(D) The Department of Education and the Office of First Steps to School Readiness shall:

(1) develop the provider application form;

**PROVISO SUBCOMMITTEE
PUBLIC EDUCATION AND SPECIAL SCHOOLS
RECOMMENDATIONS FOR FY 2009-10
TO THE HOUSE WAYS AND MEANS COMMITTEE**

- (2) develop the child enrollment application form;
- (3) develop a list of approved research-based preschool curricula for use in the program based upon the South Carolina Content Standards, provide training and technical assistance to support its effective use in approved classrooms serving children;
- (4) develop a list of approved pre-kindergarten readiness assessments to be used in conjunction with the program, provide assessments and technical assistance to support assessment administration in approved classrooms serving children;
- (5) establish criteria for awarding new classroom equipping grants;
- (6) establish criteria for the parenting education program providers must offer;
- (7) establish a list of early childhood related fields that may be used in meeting the lead teacher qualifications;
- (8) develop a list of data collection needs to be used in implementation and evaluation of the program;
- (9) identify teacher preparation program options and assist lead teachers in meeting teacher program requirements;
- (10) establish criteria for granting student retention waivers; and
- (11) establish criteria for granting classroom size requirements waivers.

(E) Providers of the South Carolina Child Development Education Pilot Program shall offer a complete educational program in accordance with age-appropriate instructional practice and a research based preschool curriculum aligned with school success. The program must focus on the developmental and learning support children must have in order to be ready for school. The provider must also incorporate parenting education that promotes the school readiness of preschool children by strengthening parent involvement in the learning process with an emphasis on interactive literacy.

Providers shall offer high-quality, center-based programs that must include, but shall not be limited to, the following:

- (1) employ a lead teacher with a two-year degree in early childhood education or related field or be granted a waiver of this requirement from the Department of Education or the Office of First Steps to School Readiness;
- (2) employ an education assistant with pre-service or in-service training in early childhood education;
- (3) maintain classrooms with at least 10 four-year-old children, but no more than 20 four-year-old children with an adult to child ratio of 1:10. With classrooms having a minimum of 10 children, the 1:10 ratio must be a lead teacher to child ratio. Waivers of the minimum class size requirement may be granted by the South Carolina Department of Education for public providers or by the Office of First Steps to School Readiness for private providers on a case-by-case basis;
- (4) offer a full day, center-based program with 6.5 hours of instruction daily for 180 school days;
- (5) provide an approved research-based preschool curriculum that focuses on critical child development skills, especially early literacy, numeracy, and social/emotional development;
- (6) engage parents' participation in their child's educational experience that shall include a minimum of two documented conferences per year; and
- (7) adhere to professional development requirements outlined in this article.

(F) Every classroom providing services to four-year-old children established pursuant to this provision must have a lead teacher with at least a two-year degree in early childhood education or related field and who is enrolled and is demonstrating progress toward the completion of a teacher education program within four years. Every classroom must also

**PROVISO SUBCOMMITTEE
PUBLIC EDUCATION AND SPECIAL SCHOOLS
RECOMMENDATIONS FOR FY 2009-10
TO THE HOUSE WAYS AND MEANS COMMITTEE**

have at least one education assistant per classroom who shall have the minimum of a high school diploma or the equivalent, and at least two years of experience working with children under five years old. The teaching assistant shall have completed the Early Childhood Development Credential (ECD) 101 or enroll and complete this course within twelve months of hire. Providers may request waivers to the ECD 101 requirement for those assistants who have demonstrated sufficient experience in teaching children 5 years old and younger. The providers must request this waiver in writing to their designated administrative agency (First Steps or the Department of Education) and provide appropriate documentation as to the qualifications of the teaching assistant.

(G) The General Assembly recognizes there is a strong relationship between the skills and preparation of pre-kindergarten instructors and the educational outcomes of students. To improve these education outcomes, participating providers shall require all personnel providing instruction and classroom support to students participating in the South Carolina Child Development Education Pilot Program to participate annually in a minimum of 15 hours of professional development to include teaching children from poverty. Professional development should provide instruction in strategies and techniques to address the age-appropriate progress of pre-kindergarten students in developing emergent literacy skills, including but not limited to, oral communication, knowledge of print and letters, phonemic and phonological awareness, and vocabulary and comprehension development.

(H) Both public and private providers shall be eligible for transportation funds for the transportation of children to and from school. Nothing within this provision prohibits providers from contracting with another entity to provide transportation services provided the entities adhere to the requirements of Section 56-5-195. Providers shall not be responsible for transporting students attending programs outside the district lines. Parents choosing program providers located outside of their resident district shall be responsible for transportation. When transporting four-year-old child development students, providers shall make every effort to transport them with students of similar ages attending the same school. Of the amount appropriated for the program, not more than \$185 per student shall be retained by the Department of Education for the purposes of transporting four-year-old students. This amount must be increased annually by the same projected rate of inflation as determined by the Division of Research and Statistics of the Budget and Control Board for the Education Finance Act.

(I) For all private providers approved to offer services pursuant to this provision, the Office of First Steps to School Readiness shall:

- (1) serve as the fiscal agent;
- (2) verify student enrollment eligibility;
- (3) recruit, review, and approve eligible providers. In considering approval of providers, consideration must be given to the provider's availability of permanent space for program service and whether temporary classroom space is necessary to provide services to any children;
- (4) coordinate oversight, monitoring, technical assistance, coordination, and training for classroom providers;
- (5) serve as a clearing house for information and best practices related to four-year-old kindergarten programs;
- (6) receive, review, and approve new classroom grant applications and make recommendations for approval based on approved criteria;
- (7) coordinate activities and promote collaboration with other private and public providers in developing and supporting four-year-old kindergarten programs;
- (8) maintain a database of the children enrolled in the program; and

**PROVISO SUBCOMMITTEE
PUBLIC EDUCATION AND SPECIAL SCHOOLS
RECOMMENDATIONS FOR FY 2009-10
TO THE HOUSE WAYS AND MEANS COMMITTEE**

(9) promulgate guidelines as necessary for the implementation of the pilot program.

(J) For all public school providers approved to offer services pursuant to this provision, the Department of Education shall:

- (1) serve as the fiscal agent;
- (2) verify student enrollment eligibility;
- (3) recruit, review, and approve eligible providers. In considering approval of providers, consideration must be given to the provider's availability of permanent space for program service and whether temporary classroom space is necessary to provide services to any children;
- (4) coordinate oversight, monitoring, technical assistance, coordination, and training for classroom providers;
- (5) serve as a clearing house for information and best practices related to four-year-old kindergarten programs;
- (6) receive, review, and approve new classroom grant applications and make recommendations for approval based on approved criteria;
- (7) coordinate activities and promote collaboration with other private and public providers in developing and supporting four-year-old kindergarten programs;
- (8) maintain a database of the children enrolled in the program; and
- (9) promulgate guidelines as necessary for the implementation of the pilot program.

(K) The General Assembly shall provide funding for the South Carolina Child Development Education Pilot Program. For the ~~2008-09~~ 2009-10 school year, the funded cost per child shall be ~~\$4,093~~ \$4,262 increased annually by the rate of inflation as determined by the Division of Research and Statistics of the Budget and Control Board for the Education Finance Act. Eligible students enrolling with private providers during the school year shall be funded on a pro-rata basis determined by the length of their enrollment. Private providers transporting eligible children to and from school shall be eligible for a reimbursement of \$550 per eligible child transported. Providers who are reimbursed are required to retain records as required by their fiscal agent. ~~With funds appropriated by the General Assembly, the Department of Education shall approve grants for public providers and the Office of First Steps to School Readiness shall approve grants for private providers, of up to \$10,000 per class for the equipping of new classrooms. Providers enrolling between one and six eligible children shall be eligible to receive up to \$1,000 per child in materials and equipment grant funding, with providers enrolling seven or more such children eligible for grants not to exceed \$10,000. Providers receiving equipment grants are expected to participate in the program and provide high-quality, center-based programs as defined herein for a minimum of three years. Failure to participate for three years will require the provider to return a portion of the equipment allocation at a level determined by the Department of Education and the Office of First Steps to School Readiness.~~ Funding of up to two thousand five hundred dollars may be provided annually for the procurement of consumable and other materials in established classrooms. Funding to providers is contingent upon receipt of data as requested by the Department of Education and the Office of First Steps. School districts who participate in the program are not eligible to receive EIA funding for half-day early childhood development programs.

(L) Pursuant to this provision, the Department of Social Services shall:

- (1) maintain a list of all approved public and private providers; and

**PROVISO SUBCOMMITTEE
PUBLIC EDUCATION AND SPECIAL SCHOOLS
RECOMMENDATIONS FOR FY 2009-10
TO THE HOUSE WAYS AND MEANS COMMITTEE**

(2) provide the Department of Education, the Office of First Steps, and the Education Oversight Committee information necessary to carry out the requirements of this provision.

(M) The Education Oversight Committee shall conduct a comparative evaluation of the South Carolina Child Development Education Pilot Program and issue their findings in a report to the General Assembly by January 1, ~~2009~~ 2010. Based on information, data, and evaluation results, the Education Oversight Committee shall include as part of their report recommendations for the creation and implementation of a statewide four-year-old kindergarten program for at-risk children. The report shall also include information and recommendations on lead teacher qualifications and options for creating comparable salary schedules for certified teachers employed by private providers. In the current fiscal year, the Education Oversight Committee shall use funds appropriated by the General Assembly for four-year-old evaluation to support the annual collection of and continuous evaluation of data. In compliance with Section 59-6-110 [] the EOC will contract out for a fiscal audit of the South Carolina Child Development Education Pilot Program.

The report shall also include an assessment, by county, on the availability and use of existing public and private classroom capacity approved for at-risk four-year-old kindergarten students based on data collected triennially. The report shall include, by county, the estimated four-year-old population, the total number of CDEPP approved four-year-old kindergarten spaces available, the number of four-year-old children enrolled in both public and private CDEPP approved facilities, and the number of children on waiting lists for either public or private providers during the reporting period. Where possible, the report shall also include anticipated four-year-old kindergarten enrollment projections for the two years following the report. The 2010 evaluation will also include the following: (1) a determination of the factors including policy issues, leadership characteristics and community concerns that led to substantial increases in the number of CDEPP participants served in specific districts and counties; (2) a determination of the factors that influence the continuity of CDEPP student enrollment across the full 180-day program and policy or programmatic changes needed to assure that CDEPP participants fully benefit from the program; (3) a determination of how many private childcare center teachers are pursuing a four-year degree and the barriers incurred in obtaining the degree; and (4) a review of any formalized plan or evaluation data to assess the quality and impact of professional development and training provided by the Office of First Steps and the Department of Education to CDEPP teachers.

To aid in this evaluation, the Education Oversight Committee shall determine the data necessary and both public and private providers are required to submit the necessary data as a condition of continued participation in and funding of the program. This data shall include developmentally appropriate measures of student progress. Additionally, the Department of Education shall issue a unique student identifier for each child receiving services from a private provider. The Department of Education shall be responsible for the collection and maintenance of data on the public state funded full day and half-day four-year-old kindergarten programs. The Office of First Steps to School Readiness shall be responsible for the collection and maintenance of data on the state funded programs provided through private providers. The Education Oversight Committee shall use this data and all other collected and maintained data necessary to conduct a research based review of the program's implementation and assessment of student success in the early elementary grades.

1.68 AMEND (Education Finance Act Reserve Fund) (A) Creates the Education Finance Act Reserve Fund and directs that current fiscal year unexpended EFA general fund

**PROVISO SUBCOMMITTEE
PUBLIC EDUCATION AND SPECIAL SCHOOLS
RECOMMENDATIONS FOR FY 2009-10
TO THE HOUSE WAYS AND MEANS COMMITTEE**

appropriations shall be transferred to the EFA Reserve Fund. Directs that if EFA appropriations are insufficient to fully fund the base student cost, EFA Reserve Fund revenues may be used to supplement the funds appropriated. Authorizes the General Assembly to make direct appropriations to the fund and directs that EFA Reserve funds and interest accrued must remain in the fund and be carried forward. (B) Specifies that the department is to notify the State Treasurer if any school district is projected to receive less state EFA Employer Contribution Funds than the prior fiscal year. Directs that for those identified school districts the reimbursement will supplement one-half of the aggregate amount for all school districts projected to receive less than the prior year with the school district allocation based on their percentage of the aggregate variance. Directs that reimbursement is contingent on the availability of funds. (C) Directs that the reserve fund will reimburse school districts projected to receive less combined EFA and EFA Reserve Funds than in the prior year. Directs that the reimbursement will supplement one-half of the aggregate amount for the district's percentage of the aggregate variance. Directs that reimbursement is contingent on the availability of funds. (D) Directs that the reserve fund will reimburse school districts that have experienced growth in the number of Weighted Pupil Units from the second preceding year's 135 day student count compared to the prior fiscal year's 135 day student count. Directs that aggregate amount of reimbursement is determined by applying 5% of the current year's Base Student Cost to the aggregate increase in WPUs for the identified school districts. Directs that the school district supplement is the district's percentage of the aggregate amount of the total reimbursement. Directs that for FY 2008-09 the EFA Reserve Fund will reimburse school districts in priority order, contingent on the availability of funds from the prior year's 135 day student count and the 45 day and 135 day student count in the current fiscal year. (E) Directs that the total school district reimbursements may not exceed \$12 million.

PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to delete subitems (B), (C), (D), and (E). *EFA Reserve Funds have been depleted. Proviso will revert to former requirement that the EFA Reserve Fund is to be used to fully fund the base student cost if EFA appropriations are insufficient.* Fiscal Impact: OSB indicates no impact on the General Fund. Requested by Department of Education.

1.68. (SDE: Education Finance Act Reserve Fund) (A) There is created in the State Treasury a fund separate and distinct from the General Fund of the State and all other funds entitled the Education Finance Act Reserve Fund. All unexpended general funds appropriated to the Department of Education for the Education Finance Act in the current fiscal year shall be transferred to the Education Finance Act Reserve Fund. In the event that the amount appropriated for the Education Finance Act is insufficient to fully fund the base student cost as established by this act, revenues from the Education Finance Act Reserve Fund may be used to supplement the funds appropriated. The General Assembly may make direct appropriations to this fund. All unexpended funds in the Education Finance Act Reserve Fund and any interest accrued by the fund must remain in the fund and may be carried forward into the current fiscal year.

~~(B) The Department of Education must notify the State Treasurer in the event that any school district in this State is projected to receive less state EFA Employer Contribution Funds than the prior fiscal year. Upon notification, the Treasurer must disburse to the Department of Education a sufficient amount of reserve funds to compensate for one-half the difference that any district is projected to receive as compared to the prior fiscal year. The department must use these funds to supplement the school district's monthly disbursement of state EFA Employer Contribution Funds. The disbursement to each district must be based on~~

**PROVISO SUBCOMMITTEE
PUBLIC EDUCATION AND SPECIAL SCHOOLS
RECOMMENDATIONS FOR FY 2009-10
TO THE HOUSE WAYS AND MEANS COMMITTEE**

~~that district's percentage of the aggregate variance of all school districts affected. The Treasurer is not required to disburse reserve funds to compensate for the difference unless funds are available based on the prior year's audited one hundred thirty five day student count and unexpended general funds appropriated for the Education Finance Act as adjusted by the current fiscal year's forty five day student count and the one hundred thirty five day student count.~~

~~(C) After the obligations in (B) have been met, the Department of Education must notify the State Treasurer in the event that any school district in this State is projected to receive less in total state EFA and EFA Reserve Funds than the prior fiscal year. Upon notification, the Treasurer must disburse to the Department of Education a sufficient amount of reserve funds to compensate for one half the difference that any district is projected to receive as compared to the prior fiscal year from the combination of the total EFA and EFA Reserve Funds. The disbursement to each district must be based on that district's percentage of the aggregate variance of all school districts affected. The Treasurer is not required to disburse reserve funds to compensate for the difference unless funds are available based on the prior year's audited one hundred thirty five day student count and unexpended general funds appropriated for the Education Finance Act as adjusted by the current fiscal year's forty five day student count and the one hundred thirty five day student count.~~

~~(D) After the obligations in (B) and (C) have been met the Department of Education must notify the State Treasurer in the event that any school district in this State has experienced growth in the number of Weighted Pupil Units from the second preceding year's final one hundred thirty five day student count as compared to the prior fiscal year's one hundred thirty five day student count. Upon notification, the Treasurer must disburse to the Department of Education a sufficient amount of reserve funds equal to five percent of the current year's appropriated base student cost for the aggregate increased weighted pupil units for all the identified districts that exceed the statewide average Weighted Pupil Unit growth from the second preceding year's final one hundred thirty five day student count as compared to the prior fiscal year's one hundred thirty five day student count. An identified district must be disbursed an amount equal to the district's percentage of the aggregate increase of all districts that experienced an applicable increase, to include the schools districts of Georgetown and Chesterfield counties. The Treasurer is not required to disburse reserve funds to compensate for growth unless funds are available based on the prior year's audited one hundred thirty five day student count and unexpended general funds appropriated for the Education Finance Act as adjusted by the current fiscal year's forty five day student count and the one hundred thirty five day fund student count.~~

~~(E) Disbursements required by this section must be made in priority order as provided by this section and must not exceed \$12,000,000 in the aggregate.~~

- 1.69 DELETE** (Formative Reading Assessment) Authorizes school districts to use their state, local, and federal funds for other formative reading assessments that have been approved by the department instead of using the State Board approved developmental appropriate formative reading assessment for grades 1 and 2. Directs that districts be required to inform the department by August 1, 2008 what assessment they will use.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *The requirement for the program is not included in Act 282 of 2008.* Fiscal Impact: OSB indicates no impact on the General Fund. Requested by Department of Education. See 1A.54 for EIA companion proviso.

**PROVISO SUBCOMMITTEE
PUBLIC EDUCATION AND SPECIAL SCHOOLS
RECOMMENDATIONS FOR FY 2009-10
TO THE HOUSE WAYS AND MEANS COMMITTEE**

- 1.69.** (SDE: Formative Reading Assessment) ~~School districts may utilize their state, local, and federal funding for other formative reading assessments that have been approved for use by a Department of Education program in lieu of using the State Board approved developmental appropriate formative reading assessment for grades one and two. By August 1, 2008, districts shall be required to inform the Department of Education what assessment for grades one and two will be used.~~
- 1.70** **DELETE** (Child Development Education Pilot Program-4 year Olds) Directs that \$3,200,000 of the funds carried forward from the S.C. Child Development Education Pilot Program are redirected to the Office of First Steps with the remainder redirected to the department for providing services to 4 years olds in the CDEPP program. Directs that if on the basis of student enrollment as of December 1, 2008, either agency projects an inability to spend its full FY 09 CDEPP allocation, the funds may be transferred between agencies to ensure that the allowed CDEPP funding is expended in both public and private settings.
PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Funds will be used in FY 08-09 so policy no longer needed.* Fiscal Impact: OSB indicates no impact on the General Fund. Requested by SC First Steps to School Readiness.
- 1.70.** (SDE: Child Development Education Pilot Program-4 Year Olds) ~~Of the funds carried forward from the prior fiscal year from the South Carolina Child Development Education Pilot Program, \$3,200,000 shall be redirected to the Office of First Steps with the remainder redirected to the Department of Education for services to four year olds participating in the Child Development Education Pilot Program (CDEPP) during the current fiscal year. If, on the basis of student enrollment as of December 1, 2008, either agency projects an inability to expend its full FY 09 CDEPP allocation, these funds may be transferred as necessary between agencies to ensure the funding of allowed CDEPP expenditures in both public and private settings.~~
- 1.71** **AMEND** (Physical Education Assessment Program) Directs the department to use physical education assessment program funds to review and revise the physical education standards and subsequent revision of the physical education assessment. Authorizes the department to field test the revised assessment in FY 08-09.
PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to delete the requirement that the funds be used to review and revise "physical education standards and the subsequent revision of the physical education assessment" and instead direct the funds be used to review and revise the "physical education assessment and associated professional development." Update fiscal year reference to 2009-10. *Allows field testing to continue.* Fiscal Impact: OSB indicates no impact on the General Fund. Requested by Department of Education.
- 1.71.** (SDE: Physical Education Assessment Program) Of the funds appropriated to the Department of Education for the physical education assessment program, the department is directed to use the funds for the review and revision of the physical education ~~standards and the subsequent revision of the physical education~~ assessment and associated professional development. For Fiscal Year ~~2008-09~~ 2009-10, the department may field test the revised physical education assessment.
- 1.74** **DELETE** (Technical Assistance) Directs that if schools that receive individual report cards and share a school id number would receive less technical assistance funds in FY 09 that they

**PROVISO SUBCOMMITTEE
PUBLIC EDUCATION AND SPECIAL SCHOOLS
RECOMMENDATIONS FOR FY 2009-10
TO THE HOUSE WAYS AND MEANS COMMITTEE**

received in FY 08 they are to receive technical assistance funds as if they were two separate schools, except that they may not receive more in total than they received in FY 08.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Total technical assistance funds are decreasing while the number of qualifying schools are increasing. Only 9 schools in the 08-09 school year received higher allocations than they would have received without this proviso.* Fiscal Impact: OSB indicates no impact on the General Fund. Requested by Department of Education.

~~1.74. (SDE: Technical Assistance) Schools which receive individual report cards and share a school identification number (SIDN) and would receive less technical assistance funding in Fiscal Year 2009 than in Fiscal Year 2008 shall receive technical assistance funding as if they were two separate schools, except these schools may not receive more in total than they received in FY 2008.~~

- 1.76 DELETE** (Unexpended Star Academy Funds) Directs the department to transfer unexpended Star Academy Dropout Prevention Program funds carried forward from the prior fiscal year as follows: \$585,000 to the Arts Commission and \$615,000 to the Department of Probation, Parole and Pardon Services. Requires the Arts Commission use the funds specifically for Education, Arts, and Cultural Tourism grants statewide and the Department of Probation, Parole and Pardon Services to use the funds to implement the Ignition Interlock Program.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Unexpended funds have been disbursed.* Fiscal Impact: OSB indicates no impact on the General Fund. Requested by Department of Education.

~~1.76. (SDE: Unexpended Star Academy Funds) The Department of Education is directed to transfer \$585,000 to the Arts Commission and \$615,000 to the Department of Probation, Parole and Pardon Services from the unexpended funds carried forward from the prior fiscal year in Part 1A, Section 1.XVIII designated for the Star Academy Dropout Prevention Program. The Arts Commission must utilize these funds specifically for Education, Arts and Cultural Tourism grants statewide. The Department of Probation, Parole and Pardon Services must utilize these funds for the implementation of the Ignition Interlock Program.~~

SECTION 1A - H63 - DEPARTMENT OF EDUCATION-EIA

- 1A.2 DELETE** (Advanced Placement) Directs that no more than \$500,000 of Advanced Placement funds may be made available on a flat rate per class basis to schools that offer "singleton" Advanced Placement classes with student/teacher ration equal to or less than 10:1. Directs the State Board of Education to develop distribution guidelines. Directs that remaining AP funds must be distributed to school districts based on the 135 day count of AP students served. Authorizes AP funds to be used to defray school districts International Baccalaureate Program testing costs. Authorizes high schools to receive funding for the allowable costs associated with 9th and 10th grade students taking Advanced Placement courses. Authorizes Advanced Placement funds to be carried forward and expended for the same purpose.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *See new proviso 1A.has for consolidation of artistically and academically gifted students.* Fiscal Impact: Pending. Requested by Education Oversight Committee.

**PROVISO SUBCOMMITTEE
PUBLIC EDUCATION AND SPECIAL SCHOOLS
RECOMMENDATIONS FOR FY 2009-10
TO THE HOUSE WAYS AND MEANS COMMITTEE**

1A.2. (SDE-EIA: XI.A.1-Advanced Placement) ~~Of the funds appropriated in Part IA, Section 1, XI.A.1. for Advanced Placement, no more than \$500,000 must be made available on a flat rate per class basis to schools offering "singleton" Advanced Placement classes with a student/teacher ratio equal to or less than ten to one. The State Board of Education shall develop guidelines for the distribution of these "singleton" funds. The remaining AP funds must be distributed to the school districts of the state based upon the 135 day count of AP students served. AP funds may be used to defray the testing costs of the International Baccalaureate Program which are incurred by school districts at the same per-test reimbursement rate provided for Advanced Placement examinations. High schools may receive funding for the allowable costs associated with ninth and tenth grade students taking Advanced Placement courses. Funds provided for Advanced Placement may be carried forward into the current fiscal year to be expended for the same purpose.~~

- 1A.3** **DELETE** (Gifted & Talented) Requires at least 12% of gifted and talented program state funds be set-aside to serve artistically gifted and talented students in grades 3-12 and provides distribution guidelines. Authorizes these funds to be carried forward and used for the same purpose.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *See new proviso 1A.has for consolidation of artistically and academically gifted students.* Fiscal Impact: Pending. Requested by Education Oversight Committee.

1A.3. (SDE-EIA: XI.A-Gifted & Talented) ~~Notwithstanding the provisions for Section 59-29-170, at least twelve percent (12%) of the total state dollars appropriated annually for gifted and talented programs shall be set aside for serving artistically gifted and talented students in grades 3-12. School districts shall service students identified as artistically gifted and talented by utilizing approved state guidelines in one or more of the following visual and performing arts areas: dance, drama, music and visual arts areas. Districts may contract with other entities to provide services to students identified as artistically gifted and talented if personnel or facilities are not available in the school district for that service. Of the remaining state dollars appropriated for gifted and talented programs, not more than \$1,000,000 may be used to provide testing and teacher training. Each district receiving funds for the gifted and talented program shall include an accelerated component as a part of its academically gifted and talented program. EIA-Gifted and Talented funds may be carried forward and expended for the same purpose in the current fiscal year.~~

- 1A.5** **DELETE** (Junior Scholars) Directs that Jr. Scholars program eligibility is open to any student who meets program requirements whether they attend a public or private school. Directs that private school students are responsible for paying the cost of the qualifying exam and at the option of the department, any other costs associated with the program.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *See new proviso 1A.has for consolidation of artistically and academically gifted students.* Fiscal Impact: Pending. Requested by Education Oversight Committee.

1A.5. (SDE-EIA: XI.A.1-Junior Scholars) ~~Eligibility for the Junior Scholars program is open to any student who meets the requirements of the program, whether the student attends public school or private school; provided however, any private school student is responsible for paying the cost of the qualifying examination and, at the option of the Department of Education, any other costs associated with the program.~~

**PROVISO SUBCOMMITTEE
PUBLIC EDUCATION AND SPECIAL SCHOOLS
RECOMMENDATIONS FOR FY 2009-10
TO THE HOUSE WAYS AND MEANS COMMITTEE**

- 1A.6 DELETE** (Academic Assistance/Carry Forward) Authorizes Academic Assistance funds to be carried forward by school districts and be spent to operate programs in accordance with their academic assistance long range plans.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *See new proviso 1A.rsf for consolidation of programs for students at risk of school failure.* Fiscal Impact: Pending. Requested by Education Oversight Committee.

~~1A.6. (SDE-EIA: XI.A.4-Academic Assistance/Carry Forward) Any unexpended balance from the prior fiscal year in the EIA appropriations in Part IA, Section 1, XI.A.4. for Academic Assistance may be carried forward to the current fiscal year by school districts to be expended to operate programs in accordance with their academic assistance long range plans.~~

- 1A.7 DELETE** (Academic Assistance/Curriculum Development) Requires the department to use Act 135 Other Operating funds to provide schools and school districts with technical assistance on curriculum development, including implementing grade-by-grade academic standards and instructional improvement in keeping with the intent of Act 135.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *See new proviso 1A.rsf for consolidation of programs for students at risk of school failure.* Fiscal Impact: Pending. Requested by Education Oversight Committee.

~~1A.7. (SDE-EIA: XI.A.4-Academic Assistance/Curriculum Development) Funds appropriated in Part IA, Section 1, XI.A.4. for Act 135 of 1993 Other Operating must be used by the Department of Education to provide schools and school districts with technical assistance on curriculum development, including implementing the grade-by-grade academic standards, and instructional improvement in keeping with the intent of Act 135 of 1993 (Sections 59-139-05 and 59-139-10 of the SC Code of Laws) as provided in regulations promulgated by the State Board of Education.~~

- 1A.8 DELETE** (Academic Assistance/Early Child Development) Authorizes a portion of Academic Assistance 4-12 appropriations to be used to support components for the K-3 academic assistance if the change promotes better coordination of state and federal program funds. Requires districts requesting this waiver to demonstrate how the use of these funds is in keeping with their long range plan and how the students' needs will be met.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *See new proviso 1A.rsf for consolidation of programs for students at risk of school failure.* Fiscal Impact: Pending. Requested by Education Oversight Committee.

~~1A.8. (SDE-EIA: XI.A.4-Academic Assistance/Early Child Development) A portion of the funds appropriated in Part IA, Section 1, XI.A.4. for Academic Assistance 4-12 may be used to support components for the K-3 academic assistance if such change promotes better coordination of state and federal funds provided for programs for these students. Districts requesting this waiver from the State Board of Education must demonstrate how the use of these funds is in keeping with their long range plan and how the needs of the students in grades 4-12 will be met.~~

- 1A.9 DELETE** (Academic Assistance/Formula Funding & Distribution) Specifies that total funding for the 4-12 Academic Assistance component of Act 135 of 1993 is based on a derived free and reduced lunch eligibility count for grades 4-12 obtained by applying the state

**PROVISO SUBCOMMITTEE
PUBLIC EDUCATION AND SPECIAL SCHOOLS
RECOMMENDATIONS FOR FY 2009-10
TO THE HOUSE WAYS AND MEANS COMMITTEE**

percentage of K-3 students eligible for free and reduced lunch to the 4-12 ADM. Provides that funding for individual districts shall be based on two equally weighted factors: the district's derived lunch percentage for grades 4-12 and its 4 year average for the number of 3-8 students Below Basic on the statewide grade level assessments in English language arts and students failing any portion of HSAP.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *See new proviso 1A.rsf for consolidation of programs for students at risk of school failure.* Fiscal Impact: Pending. Requested by Education Oversight Committee.

~~1A.9. (SDE-EIA: XI.A.4-Academic Assistance/Formula Funding & Distribution) The total funding in Part IA, Section 1, XI.A.4. for the 4-12 Academic Assistance component of Act 135 of 1993 shall be based on a derived free and reduced lunch eligibility count for grades 4-12 obtained by applying the state percentage of K-3 students eligible for free and reduced lunch to the 4-12 average daily membership; and funding for individual districts shall be based on two equally weighted factors; the district's derived lunch percentage for grades 4-12 and its four year average for the number of 3-8 students scoring Below Basic on the statewide grade level assessments in English language arts and students failing any portion of HSAP.~~

- 1A.10 DELETE** (Academic Assistance/Reading Recovery) Directs that \$3,200,000 of Academic Assistance Act 135 funds be used for Reading Recovery programs throughout the state. Directs that \$50,000 of these funds be used to pilot alternative teaching methods for reading.
PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *See new proviso 1A.read for consolidation of reading appropriations.* Fiscal Impact: Pending. Requested by Education Oversight Committee.

~~1A.10. (SDE-EIA: XI.A-Academic Assistance/Reading Recovery) Of the EIA funds appropriated herein for the Academic Assistance Act 135, \$3,200,000 shall be used for the Reading Recovery programs throughout the State. Of the funds provided for Reading Recovery, up to \$50,000 shall be used for piloting alternative teaching methods for reading.~~

- 1A.11 DELETE** (Academic Assistance/Remedial Adult Education) Directs that an amount not to exceed \$1,000,000 of Academic Assistance funds must be used for either adult education students who are failing one or more sections of the HSAP Exit Exam or students preparing for the GED Exam at a weight of .114 of the base student cost.
PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *See new proviso 1A.rsf for consolidation of programs for students at risk of school failure.* Fiscal Impact: Pending. Requested by Education Oversight Committee.

~~1A.11. (SDE-EIA: XI.A.4-Academic Assistance/Remedial Adult Education) Of funds appropriated in Part IA, Section 1, XI.A.4. for Academic Assistance an amount not to exceed \$1,000,000 must be used for either adult education students failing one or more sections of the HSAP Exit Examination or students preparing for the GED examination at a weight of .114 of the base student cost as defined in the Education Finance Act.~~

- 1A.14 DELETE** (Course Reimbursement/Teachers) Requires EIA-Critical Teacher funds be used for courses that support instructional techniques and strategies in keeping with the professional development plans. Authorizes these funds to be used for courses that support the education of students with disabilities or special needs in the regular classroom. Allows

**PROVISO SUBCOMMITTEE
PUBLIC EDUCATION AND SPECIAL SCHOOLS
RECOMMENDATIONS FOR FY 2009-10
TO THE HOUSE WAYS AND MEANS COMMITTEE**

school districts to require and collect a deposit from teachers who enroll in courses that support the areas identified above. Require the deposit to be returned to the teacher once the course has been completed.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *See new proviso 1A.pd for consolidation of professional development programs.* Fiscal Impact: Pending. Requested by Education Oversight Committee.

~~1A.14. (SDE-EIA: XI.C.3-Course Reimbursement/Teachers) Funds appropriated for EIA Critical Teacher needs must be used for courses which support instructional techniques and strategies in keeping with the professional development plans. These funds may be used for courses which support the education of students with disabilities or special needs in the regular classroom. School districts may require and collect a deposit from teachers enrolling in courses that support the areas identified above. Upon completion of the course any deposit collected shall be returned to the teacher having made the deposit.~~

- 1A.15 DELETE** (Critical Teaching Needs/Roper Mountain) Directs the department to disburse \$250,000 of Critical Teaching Needs funds to the Roper Mountain Center for public school science teachers summer workshops and authorizes these funds to be carried forward.
- PROVISO SUBCOMMITTEE RECOMMENDATION:** DELETE proviso. *See new proviso 1A.pd for consolidation of professional development programs.* Fiscal Impact: Pending. Requested by Education Oversight Committee.

~~1A.15. (SDE-EIA: XI.C.2-Critical Teaching Needs/Roper Mountain) Of the funds appropriated in Part IA, Section 1, XI.C.2. for Critical Teaching Needs, \$250,000 shall be disbursed to the Roper Mountain Science Center for summer workshops for public school science teachers. Funds disbursed to the Roper Mountain Science Center may be carried forward.~~

- 1A.17 AMEND** (Teacher Salaries/SE Average) Projects the Southeastern average teacher salary to be \$47,004 for FY 08-09 and states that it is the intent of the General Assembly to exceed this average by \$300. Specifies what positions are to receive Teacher Salary Supplements.
- PROVISO SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to change "\$47,004" to "\$48,261" and state the statewide minimum teacher salary schedule used in FY 08-09 will continue to be used in FY 09-10. *To reflect the revised Southeastern average teacher salary as the goal yet freezes the schedule because of revenue restructuring.* Fiscal Impact: OSB indicates that in order to fulfill the requirements of this provision, as amended, the EFA and the EIA Teacher Salary Supplement lines need to be funded at the original FY 08-09 appropriation amounts. Since the beginning of FY 08-09 the EFA program has been reduced by approximately \$209 million. The EFA was originally funded at a base student cost level of \$2,578. The EIA Teacher Salary Supplement and related fringe benefits line are exempt from mid-year reductions. Requested by Education Oversight Committee.

1A.17. (SDE-EIA: XI.C.2.-Teacher Salaries/SE Average) The projected Southeastern average teacher salary shall be the average of the average teachers salaries of the southeastern states as projected by the Division of Budget and Analyses. For the current school year the Southeastern average teacher salary is projected to be \$47,004 \$48,261. It is the intent of the General Assembly to exceed the Southeastern average teacher salary as projected by \$300; however, the statewide minimum teacher salary schedule used in Fiscal Year 2008-09 will continue to be used in Fiscal Year 2009-10. The General Assembly remains desirous of

**PROVISO SUBCOMMITTEE
PUBLIC EDUCATION AND SPECIAL SCHOOLS
RECOMMENDATIONS FOR FY 2009-10
TO THE HOUSE WAYS AND MEANS COMMITTEE**

raising the average teacher salary in South Carolina through incremental increases over the next few years so as to make such equivalent to the national average teacher salary.

Funds appropriated in Part IA, Section 1, XI.C.2. for Teacher Salaries must be used to increase salaries of those teachers eligible pursuant to Section 59-20-50 (b), to include classroom teachers, librarians, guidance counselors, psychologists, social workers, occupational and physical therapists, school nurses, orientation/mobility instructors, and audiologists in the school districts of the state.

- 1A.21 AMEND** (Evaluation/EIA Programs) Requires the department to use \$349,124 of EIA Implementation, Other Operating Expenses to support its contracted program evaluations and to conduct the State Board of Education's annual assessment of EIA-funded education reforms and the related report required by Section 59-6-12. Requires- the department to use the remaining funds to support continuing program and policy evaluations and studies and to support the Middle Grades Project at no less than \$100,000. Directs that for the current fiscal year \$100,000 be provided to the S.C. Educational Policy Center for collaborative projects with the department and the EOC to provide research based information and consultation services on technical issues related to establishing a more thorough accountability system for public schools, school districts, and the K-12 education system.

PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to change "\$349,124" to "\$163,064" and change "\$100,000" to "\$75,000" for both the Middle Grades Project and the Policy Center. Delete reference to assessment required by Section 59-6-12. Direct the Policy Center, the department, and the EOC to pursue grants and contracts to supplement state appropriations. *To reflect revised line item appropriation and delete reference to code cite which no longer exists.* Fiscal Impact: OSB indicates the department and EOC report this provision would have a cost savings of \$50,000 resulting from a 25% reduction to the allocation for the Middle Grades Project and the S.C. Educational Policy Center. Requested by Education Oversight Committee.

1A.21. (SDE-EIA: XI.E.2.-Evaluation/EIA Programs) Of the funds appropriated in Part IA, Section 1, XI.E.2. for EIA Implementation, Other Operating Expenses, \$349,124 ~~\$163,064~~ may only be used by the State Department of Education to support its contracted program evaluations ~~and the conduct of the State Board of Education's annual assessment of EIA-funded education reforms and the related report, pursuant to Section 59-6-12.~~ Of the remaining funds appropriated in Part IA, Section 1, XI.E.2. for EIA Implementation, Other Operating Expenses shall be used to support the continuation of program and policy evaluations and studies and to support the state's participation in the Middle Grades Project, at no less than ~~\$100,000~~ \$75,000. Provided further, for the current fiscal year, ~~\$100,000~~ \$75,000 shall be provided to the South Carolina Educational Policy Center for collaborative projects with the Department of Education and the Education Oversight Committee to provide research based information and consultation services on technical issues related to establishing a more thorough accountability system for public schools, school districts, and the K-12 education system. *These entities shall pursue grants and contracts to supplement state appropriations.*

- 1A.22 AMEND** (CHE/Teacher Recruitment) Directs distribution of Teacher Recruitment Program funds as follows: \$5,404,014 to CERRA-South Carolina, of which \$4,200,000 must be used for the Teaching Fellows Program and \$166,302 must be used to recruit minority teachers; and \$467,000 to SC State to be used only for the minority teacher recruitment program. Directs CERRA, working with districts with an absolute rating of Unsatisfactory or Below

**PROVISO SUBCOMMITTEE
PUBLIC EDUCATION AND SPECIAL SCHOOLS
RECOMMENDATIONS FOR FY 2009-10
TO THE HOUSE WAYS AND MEANS COMMITTEE**

Average, to provide shared initiatives to recruit and retain teachers and report to the EOC and the department annually by October 1 of the success of these efforts. Directs CHE to make sure that funds used to promote teacher recruitment statewide ensure continued coordination efforts among the three teacher recruitment projects, review the use of funds, and have prior program and budget approval. Directs the SC State program, in consultation with CHE, to extend beyond the geographic area it currently serves. Directs CHE to annually evaluate the effectiveness of the teacher recruitment projects and report its findings and budget recommendations to the House and Senate Education Committees, the State Board of Education and the EOC by Oct 1st.

PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to direct that CERRA appropriations for the Teaching Fellows Program are exempt from mid-year budget reductions implemented by the General Assembly or B&C Board as are other scholarship programs. Direct the Department of Education to transfer \$545,000 of External Review Teams funds to the Teaching Fellows Program. Change the reference pertaining to the districts that CERRA is directed to work with from "unsatisfactory" to "At-Risk." *Protect fellowship funds from mid-year reductions.* Fiscal Impact: The agency indicates that to maintain the current funding level for the number of Fellows anticipated to continue in 2009 and to offer 150 fellowships for 2009 would require an additional \$518,000. OSB indicates that due to EIA revenue and subsequent budget reductions the amount of funding in the FY 09-10 base budget for the Teacher Recruitment program is not consistent with the amount to be distributed per this provision. Less funding is available on the line than is to be distributed. In addition External Review Teams funding would be reduced by \$545,000. Winthrop University.

1A.22. (SDE-EIA: XI.F.2-CHE/Teacher Recruitment) Of the funds appropriated in Part IA, Section 1, XI.F.2. for the Teacher Recruitment Program, the S.C. Commission on Higher Education shall distribute a total of \$5,404,014 to the Center for Educator Recruitment, Retention, and Advancement (CERRA-South Carolina) for a state teacher recruitment and retention program, of which \$4,200,000 must be used for the Teaching Fellows Program and of which \$166,302 must be used for specific programs to recruit minority teachers; and, Whenever the General Assembly or the Budget and Control Board implements a mid-year reduction, CERRA appropriations for the Teaching Fellows Program are exempt from any mid-year budget reductions as are other scholarship programs. The Department of Education is directed to transfer \$545,000 from Part IA, Section 1, Program XI.4. External Review Teams to the Teaching Fellows Program. The Commission on Higher Education also shall distribute additional funds of \$467,000 to S.C. State University to be used only for the operation of a minority teacher recruitment program and therefore shall not be used for the operation of their established general education programs. Working with districts with an absolute rating of ~~Unsatisfactory~~ At-Risk or Below Average, CERRA will provide shared initiatives to recruit and retain teachers to schools in these districts. CERRA will report annually by October 1 to the Education Oversight Committee and the Department of Education on the success of the recruitment and retention efforts in these schools. The S.C. Commission on Higher Education shall ensure that all funds are used to promote teacher recruitment on a statewide basis, shall ensure the continued coordination of efforts among the three teacher recruitment projects, shall review the use of funds and shall have prior program and budget approval. The S.C. State University program, in consultation with the Commission on Higher Education, shall extend beyond the geographic area it currently serves. Annually, the Commission on Higher Education shall evaluate the effectiveness of each of the teacher recruitment projects and shall report its findings and its program and

**PROVISO SUBCOMMITTEE
PUBLIC EDUCATION AND SPECIAL SCHOOLS
RECOMMENDATIONS FOR FY 2009-10
TO THE HOUSE WAYS AND MEANS COMMITTEE**

budget recommendations to the House and Senate Education Committees, the State Board of Education and the Education Oversight Committee by October 1 annually, in a format agreed upon by the Education Oversight Committee and the Department of Education.

- 1A.25 DELETE** (Parenting/Family Literacy) Authorizes school districts to retain and expend Parenting/Family Literacy Programs funds allocated to the school districts for parenting projects. Directs that the funds must be allocated only to school districts that provide comprehensive family literacy programs that address intergenerational cycles of poverty. Directs that any school district that does not provide evaluation information necessary to determine effective use is not eligible to receive additional funding until the requested data is provided. Directs that the minimum amount allocated to a district shall be \$35,000.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *See new proviso 1A.rsf for consolidation of programs for students at risk of school failure.* Fiscal Impact: Pending. Requested by Education Oversight Committee.

~~1A.25. (SDE-EIA: XI.B-Parenting/Family Literacy) Funds appropriated in Part 1A, Section 1, XI.B. for the Parenting/Family Literacy Programs and allocated to the school districts for parenting projects in the prior fiscal year may be retained and expended by the school districts for the same purpose during the current fiscal year. These funds must be allocated only to school districts that provide comprehensive family literacy programs which address intergenerational cycles of poverty through adult education, early childhood education and/or parenting programs. Furthermore, any school district that does not provide the evaluation information necessary to determine effective use as required by Section 59-139-10(A)(1) and by regulation is not eligible to receive additional funding until the requested data is provided. The minimum amount allocated to a district shall be \$35,000.~~

- 1A.26 AMEND** (National Board Certification Incentive) Provides guidelines for an annual \$7,500 salary supplement to be paid to public school classroom teachers or classroom teachers who work with classroom teachers who are certified by the State Board of Education and by the National Board for Professional Teaching Standards for the length of the national certificate and to teachers employed at the special schools. Directs CERRA to develop guidelines and administer a loan program for teachers who are U.S. citizens or permanent resident aliens applying for National Board certification. Directs that teachers who begin the application process after 7/1/07 are eligible for full loan forgiveness if at the time the teacher applies to the National Board they are teaching in a school with a below average or unsatisfactory rating. Directs that forgiveness be at the rate of 33% for each year of full time teaching in the same school regardless of whether the school exceeds a below average or unsatisfactory rating during the forgiveness period or for each year teaching full time in another school with a below average or unsatisfactory rating.

PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to direct that beginning with 2009 applicants, the \$7,500 salary supplement shall be paid beginning July 1 in the year following the year of achieving certification. Direct that up to 1,100 loan applications shall be processed annually. Authorize funds collected from educators who are in default of the loan to be retained and carried forward for National Board purposes. Change reference to "unsatisfactory" to "at-risk." *Conform to Act 282 of 2008.* Fiscal Impact: OSB indicates that the department and EOC report a cost savings of \$3 million. Cost consists of the loan amount of \$2,500 for approximately 1,200 eligible teachers. Requested by Department of Education. See 1A.26 for EIA companion proviso.

**PROVISO SUBCOMMITTEE
PUBLIC EDUCATION AND SPECIAL SCHOOLS
RECOMMENDATIONS FOR FY 2009-10
TO THE HOUSE WAYS AND MEANS COMMITTEE**

1A.26. (SDE-EIA: XI.C.2-National Board Certification Incentive) Public school classroom teachers or classroom teachers who work with classroom teachers who are certified by the State Board of Education and who have been certified by the National Board for Professional Teaching Standards shall be paid a \$7,500 salary supplement ~~in the year of achieving certification~~ beginning July 1 in the year following the year of achieving certification, beginning with 2009 applicants. Teachers employed at the special schools shall be eligible for this \$7,500 salary supplement. The special schools include the Governor's School for Science and Math, Governor's School for the Arts and Humanities, Wil Lou Gray Opportunity School, John de la Howe School, School for the Deaf and the Blind, Felton Lab, Department of Juvenile Justice and Palmetto Unified School District 1. The \$7,500 salary supplement shall be added to the annual pay of the teacher for the length of the national certificate. However, the \$7,500 supplement shall be adjusted on a pro rata basis for the teacher's FTE and paid to the teacher in accordance with the district's payroll procedure. The Center for Educator Recruitment, Retention, and Advancement (CERRA-South Carolina) shall develop guidelines and administer the programs whereby teachers who are United States citizens or permanent resident aliens, and who are applying to the National Board for Professional Teaching Standards for certification may receive a loan equal to the amount of the application fee. Up to eleven hundred loan applications shall be processed annually. One-half of the loan principal amount and interest shall be forgiven when the required portfolio is submitted to the national board. Teachers attaining certification within three years of receiving the loan will have the full loan principal amount and interest forgiven. Teachers who previously submitted a portfolio to the National Board for Professional Teaching Standards for certification under previous appropriation acts, shall receive reimbursement of their certification fee as prescribed under the provisions of the previous appropriation act. Funds collected from educators who are in default of the National Board loan shall be retained and carried forward for National Board purposes. Of the funds appropriated in Part IA, Section 1, XIII.A. for National Board Certification, the State Department of Education shall transfer to the Center for Educator Recruitment, Retention, and Advancement (CERRA-South Carolina) the funds necessary for the administration of the loan program. In addition, teachers who are certified by the National Board for Professional Teaching Standards shall enter a recertification cycle for their South Carolina certificate consistent with the recertification cycle for national board certification. National board certified teachers moving to this State who hold a valid standard certificate from their sending state are exempted from initial certification requirements and are eligible for a professional teaching certificate and continuing contract status. Their recertification cycle will be consistent with national board certification.

Provided, further, that in calculating the compensation for teacher specialists, the State Department of Education shall include state and local compensation as defined in Section 59-18-1530 to include local supplements except local supplements for National Board certification. Teacher specialists remain eligible for state supplement for National Board certification.

Teachers who begin the application process after July 1, 2007 and who teach in schools which have an absolute rating of below average or ~~unsatisfactory~~ at-risk at the time the teacher applies to the National Board for certification, but who fail to obtain certification, nonetheless shall be eligible for full forgiveness of the loan as follows: upon submission of all required materials for certification, one-half of the loan principal amount and interest shall be forgiven; forgiveness of the remainder of the loan will be at the rate of 33% for each year of full time teaching in the same school regardless of whether that school exceeds an absolute rating of below average or ~~unsatisfactory~~ at-risk during the forgiveness period, or for each

**PROVISO SUBCOMMITTEE
PUBLIC EDUCATION AND SPECIAL SCHOOLS
RECOMMENDATIONS FOR FY 2009-10
TO THE HOUSE WAYS AND MEANS COMMITTEE**

year of full time teaching in another school that has an absolute rating of below average or unsatisfactory at risk.

- 1A.27 DELETE** (CSO Mathematics and Science Unit) Directs that Mathematics and Science Centers funds be used to support improvements in math and science through resources and professional development in instructional techniques and strategies, use of technology in the classroom, leadership, content in subject areas and assessment. Direct that these efforts be coordinated with programs such as Tech Prep Consortia using applied learning techniques that will improve classroom instruction in math and science.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *See new proviso 1A.pd for consolidation of professional development programs.* Fiscal Impact: Pending. Requested by Education Oversight Committee.

~~1A.27. (SDE-EIA: XI.C.3-CSO Mathematics and Science Unit) The funds appropriated in Part IA, Section 1, XI.C.3. shall be used for Mathematics and Science Centers which support improvements in mathematics and science through resources and professional development in instructional techniques and strategies, use of technology in the classroom, leadership, content in subject areas and assessment. These efforts will be coordinated with programs such as Tech Prep Consortia using applied learning techniques which will improve classroom instruction in mathematics and science.~~

- 1A.32 DELETE** (Principal Executive/Leadership Institute Carry Forward) Authorizes Principal Executive/Leadership Institute funds to be carried forward and used for the same purpose. Requires the Institute and all principal evaluation and induction programs include training for the key role principals have in supervising the teaching of reading.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *See new proviso 1A.pd for consolidation of professional development programs.* Fiscal Impact: Pending. Requested by Education Oversight Committee.

~~1A.32. (SDE-EIA: XI.E.1-Principal Executive/Leadership Institute Carry Forward) Prior fiscal year funds appropriated in Part IA, Section 1, XI.E.1. for the Principal Executive/Leadership Institute may be carried forward into the current fiscal year and expended for the same purpose. The Institute and all principal evaluation and induction programs must include training for the key role that principals have in supervising the teaching of reading and instilling the importance of literacy in public schools.~~

- 1A.36 DELETE** (Institute of Reading) Requires Institute of Reading appropriations be used to implement a comprehensive approach to improving the reading ability of middle grades students and accelerating learning of the students who read below grade level with strategies based on best practice and provide targeted assistance shown by research to help these students read at grade level. Authorizes funds to also be used in the same manner for high school grades.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *See new proviso 1A.read for consolidation of reading appropriations.* Fiscal Impact: Pending. Requested by Education Oversight Committee.

~~1A.36. (SDE-EIA: XI.A.3-Institute of Reading) The funds appropriated for the Institute of Reading must be used to implement a comprehensive approach to improving the reading abilities of students in the middle grades and accelerating the learning of middle grade~~

**PROVISO SUBCOMMITTEE
PUBLIC EDUCATION AND SPECIAL SCHOOLS
RECOMMENDATIONS FOR FY 2009-10
TO THE HOUSE WAYS AND MEANS COMMITTEE**

~~students reading below grade level with strategies based on best practice and providing targeted assistance shown by research to help these students to read at grade level. Funds may also be used in the same manner for high school grades.~~

- 1A.37 AMEND** (EOC) Authorizes the EOC to collect, retain, expend, and carry forward revenue from conference registration fees, charges for materials supplied to local school districts or other entities, and from other activities or functions sponsored by the committee including public awareness campaign activities. Authorizes the EOC to use this revenue to fund programs that promote teaching economic education in the state.

PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to delete the authorization to use the funds to promote teaching economic education. *A separate line item is recommended for the Council on Economic Education.* Fiscal Impact: OSB indicates the EOC estimates no impact on EIA funds.

1A.37. (SDE-EIA: EOC) The Education Oversight Committee may collect, retain and expend revenue from conference registration and fees; charges for materials supplied to local school districts or other entities not otherwise mandated to be provided by state law; and from other activities or functions sponsored by the committee including public awareness campaign activities. Any unexpended revenue from these sources may be carried forward into the current fiscal year and expended for the same purposes. ~~The Education Oversight Committee is permitted to utilize the funds appropriated to it to fund programs promoting the teaching of economic education in South Carolina.~~

- 1A.38 DELETE** (Professional Development) Provides for the development and dissemination of the S.C. Professional Development Standards, the establishment of an accountability system and requires training.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *See new proviso 1A.read for consolidation of reading appropriations.* Fiscal Impact: Pending. Requested by Education Oversight Committee.

1A.38. (SDE-EIA: Professional Development) ~~With the funds appropriated for professional development, the Department of Education must disseminate the South Carolina Professional Development Standards, establish a professional development accountability system, and provide training to school leadership on the professional development standards, also training must be provided to educators on assessing student mastery of the content standards. The State Department of Education shall revise professional development activities and programs, including professional development on the standards, the SC Reading Initiative, and programs for administrators, to include emphasis on strategies and services for students at risk of retention.~~

- 1A.39 AMEND** (Technical Assistance) Specifies allocation and expenditure of technical assistance funds to schools with an absolute rating of below average or unsatisfactory.

PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to change reference to “low-performing” to “underperforming.” Change references to “unsatisfactory” to “at-risk.” Direct that technical assistance funds be allocated “according to the severity of not meeting report card criteria.” Delete the requirement that schools initially designated as unsatisfactory or below average on the current year’s report card must receive up to \$10,000 of technical assistance funds by January 1st; that no more than 15% of planning grants may be carried forward; and that schools that receive an absolute rating of unsatisfactory be reviewed

**PROVISO SUBCOMMITTEE
PUBLIC EDUCATION AND SPECIAL SCHOOLS
RECOMMENDATIONS FOR FY 2009-10
TO THE HOUSE WAYS AND MEANS COMMITTEE**

by an external review team. Direct that schools receiving an absolute rating of below average or at-risk must develop and submit a school renewal plan to the department that outlines how technical assistance allocations will be used and how their goals for improvement will be obtained. Delete the directive that after the department and the State Board approve the plan, schools with an absolute rating of below average will be allocated not less than \$75,000 and schools with an absolute rating of unsatisfactory will be allocated not less than \$250,000. Delete the directive that no more than 15% percent of planning grants may be carried forward into the current fiscal year. Delete "teacher specialist" directives. Require the department monitor the expenditure of technical assistance funds and student academic achievement in schools receiving the funds and to report their findings to the General Assembly and the EOC by January 1st each year as the General Assembly may direct. Delete the requirement that \$930,000 be used for the National About Face Pilot Program. Delete the requirement that the department submit a report by October 1st to the EOC that documents the schools that have had an absolute rating of unsatisfactory or below average for the past 4 years and that delineates the reasons for their persistent underperformance. Direct the department to coordinate with and monitor the services provided to the schools by the School Improvement Council Assistance and the Writing Improvement Network. Require the School Improvement Council Assistance and the Writing Improvement Network to submit external evaluations to the EOC at least once every three years based on criteria jointly determined by the department and the EOC. Direct that no more than 5% of the funds appropriated for technical assistance services to schools with an absolute rating of below average or at-risk may be retained and spent by the department to implement and deliver technical assistance services. Direct the department to identify priority schools by using previous report card data. Direct the department use up to \$13,000,000 of technical assistance funds to work with schools identified as priority schools. Direct the department to create a system of levels of technical assistance for schools determined by the severity of not meeting report card criteria. Authorize the levels to include a per student allocation, placement of a principal mentor, replacement of the principal, and/or reconstitution of a school. Define reconstitution as the redesign or reorganization of the school, which includes the declaration that all positions in the school are considered vacant. Require that certified staff currently employed in priority schools undergo a formal evaluation in the spring following the school's identification as a priority school and require them to meet determined goals to be rehired and continue their employment at that school. Direct that student achievement will be considered as a significant factor when determining whether to rehire existing staff. Provide guidelines for educator's employment and dismissal rights pertaining employment at a reconstituted school. Provide guidelines for the reconstitution of a school and direct that the decision to reconstitute shall be made by the State Superintendent of Education in consultation with the principal and/or principal mentor and the district superintendent. Direct that reconstitution of a school shall be made by April 1, at which time notice shall be given to all employees of the school. Require the department, in consultation with the principal and district superintendent, to develop a staffing plan, recruitment and performance bonuses, and a budget for each reconstituted school. Direct that upon approval of the school renewal plans a newly identified school or a currently identified school with an absolute rating of below average or at-risk on the report card will receive a base amount and a per pupil allocation based on the previous year's average daily membership as determined by the annual budget appropriation. Direct that no more than 15% of unexpended funds may be carried forward and expended in the current fiscal year for strategies outlined in the school's renewal plan. Require schools to use technical assistance funds to augment or increase, not to replace or supplant local or state revenues that would have been used if the technical assistance funds . Requires schools to use

**PROVISO SUBCOMMITTEE
PUBLIC EDUCATION AND SPECIAL SCHOOLS
RECOMMENDATIONS FOR FY 2009-10
TO THE HOUSE WAYS AND MEANS COMMITTEE**

technical assistance funds only to supplement, and to the extent practical, increase the level of funds available from other revenue sources. Fiscal Impact: OSB indicates the proviso funds a total amount of \$67,955,000 with a recurring base of \$64,901,604 for an increase of \$3,053,396 EIA funds. Requested by Department of Education.

1A.39. (SDE-EIA: Technical Assistance) In order to best meet the needs of ~~low-performing~~ underperforming schools, funds appropriated for technical assistance to schools with an absolute rating of below average or ~~unsatisfactory~~ at-risk on the most recent annual school report card must be allocated ~~accordingly~~ according to the severity of not meeting report card criteria.

~~First, a school initially designated as unsatisfactory or below average on the current year's report card must receive by January 1, up to \$10,000 from the funds appropriated for technical assistance and must expend the funds for planning purposes in accordance with Section 59-18-1560 of the 1976 Code. No more than fifteen percent of planning grants may be carried forward into the current fiscal year. Schools receiving an absolute rating of unsatisfactory will also be reviewed by an external review team.~~

~~Schools receiving an absolute rating of unsatisfactory or below average or at-risk must develop and submit to the Department of Education a school renewal plan that includes actions consistent with each of the alternative researched-based technical assistance criteria as approved by the Education Oversight Committee and the Department of Education and consistent with the external review team report outlining how technical assistance allocations will be utilized and goals for improvements will be obtained. Each allocation must address specific strategies designed to increase student achievement and must include measures to evaluate success. The school renewal plan may include expenditures for recruitment incentives for faculty and staff, performance incentives for faculty and staff, assistance with curriculum and test score analysis, professional development activities based on curriculum and test score analysis that may include daily stipends if delivered on days outside of required contract days. School expenditures shall be monitored by the Department of Education. Because the school renewal plan is critical to the planning and implementation of successful intervention strategies, the Department of Education will provide regional workshops to assist schools in formulating school renewal plans based on best practices that positively improve student achievement. The chairman of the local board of education, the superintendent, and the principal of any school receiving technical assistance funds must attend at least one of the workshops in order to receive any state aid for technical assistance. The school renewal plans must address professional development activities that are directly related to instruction in the core subject areas and may include compensation incentives to provide salary supplements to classroom teachers who are certified by the State Board of Education and who have obtained an advanced degree. The purpose of these compensation packages is to improve the recruitment and retention of teachers with advanced degrees in underperforming schools. If the school renewal plans are approved, schools would be permitted to use technical assistance funds to provide these salary supplements.~~

~~Upon approval of the plans by the Department of Education and the State Board of Education, a school with an absolute rating of below average will receive an allocation of not less than \$75,000, and a school with an absolute rating of unsatisfactory will receive an allocation of not less than \$250,000, taking into consideration the severity of the problems and the likelihood of positively impacting student achievement, student enrollment, external review team recommendations, and prior year technical assistance carry forward funds. The funds must be expended on the strategies and activities as expressly outlined in the school renewal plan which may include, but are not limited to, professional development, teacher~~

PROVISO SUBCOMMITTEE
PUBLIC EDUCATION AND SPECIAL SCHOOLS
RECOMMENDATIONS FOR FY 2009-10
TO THE HOUSE WAYS AND MEANS COMMITTEE

~~incentive or pay for performance including the Teacher Advancement Program (TAP), homework centers, diagnostic testing, supplemental health and social services, or comprehensive school reform efforts. Not more than fifty percent of the school allocation may be used to reduce class size. The schools will work with the Department of Education to broker the services of technical assistance personnel as needed and as stipulated in the school renewal plan. Not more than fifteen percent of funds not expended in the prior fiscal year may be carried forward and expended for the same purpose in the current fiscal year. It is intended that the technical assistance will be provided for a minimum of three years in order to implement fully systemic reform and to provide opportunity for building local education capacity. Furthermore, schools and school districts must use these technical assistance funds to augment or increase, not to replace local or state revenues that would have been used if the technical assistance funds had not been made available. Schools and school districts may use technical assistance funds only to supplement, and to the extent practical, increase the level of funds that would be made available from other revenue sources for these schools. A school or district may not use these technical assistance funds to supplant funds from other sources.~~

With the funds appropriated to the Department of Education for technical assistance services, the department will assist schools with an absolute rating of ~~unsatisfactory or below average~~ or at-risk in designing and implementing technical assistance school renewal plans and in brokering for technical assistance personnel as needed and as stipulated in the school renewal plan. ~~Teacher specialists may be placed across grade levels and across core subject areas when placement meets program criteria based on external review team recommendations, need, number of teachers receiving support, and certification and experience of the specialist. Teacher specialists are limited to three years of service at one school unless the specialist submits application for an extension and that application is accepted by the Department of Education and placement is made. Upon acceptance and placement, the specialist can receive the salary and supplement for two additional years, but is no longer attached to the sending district or guaranteed placement in the sending district following tenure in the program as provided in Section 59-18-1530(F) of the 1976 Code. The criteria for selecting alternate research-based technical assistance are to be those previously approved by the Education Oversight Committee and the Department of Education. The School Improvement Council Assistance and the Writing Improvement Network will coordinate with the department to target schools and school districts designated as unsatisfactory. The department shall coordinate with and monitor the services provided to the schools and districts by the School Improvement Council Assistance and the Writing Improvement Network. In addition, the department must monitor the expenditure of funds and the student academic achievement and the expenditure of technical assistance funds in schools receiving these funds and report their findings to the General Assembly and the Education Oversight Committee by January 1 of each fiscal year as the General Assembly may direct. No more than five percent of the total amount appropriated for technical assistance services to schools with an absolute rating of Unsatisfactory or Below Average may be retained and expended by the department for implementation of technical assistance services. Furthermore, of the funds appropriated for technical assistance, \$930,000 shall be used for the National About Face Pilot Program. The School Improvement Council Assistance, the Writing Improvement Network, and the National About Face Pilot Program must submit external evaluations to the Education Oversight Committee at least once every three years. The Education Oversight Committee and the Department of Education will jointly determine the criteria to be used in evaluating the programs. If the Education Oversight Committee or the Department of Education department requests information from schools or school districts regarding the expenditure of technical assistance funds pursuant to~~

**PROVISO SUBCOMMITTEE
PUBLIC EDUCATION AND SPECIAL SCHOOLS
RECOMMENDATIONS FOR FY 2009-10
TO THE HOUSE WAYS AND MEANS COMMITTEE**

evaluations, the school or school district must provide the evaluation information necessary to determine effective use. If the school or school district does not provide the evaluation information necessary to determine effective use, the school or district is not eligible to receive additional funding until the requested data is provided.

~~By October 1 of the current fiscal year the Department of Education must submit a report to the Education Oversight Committee that documents the schools that have had an absolute rating of unsatisfactory or below average for the past four years and must delineate the reasons for these schools persistent underperformance.~~

The department shall coordinate with and monitor the services provided by the School Improvement Council Assistance and the Writing Improvement Network to the schools. Based on criteria jointly determined by the department and the Education Oversight Committee, the School Improvement Council Assistance and the Writing Improvement Network must submit external evaluations to the Education Oversight Committee at least once every three years.

No more than five percent of the total amount appropriated for technical assistance services to schools with an absolute rating of below average or at-risk may be retained and expended by the department for implementation and delivery of technical assistance services. Using previous report card data, the department shall identify priority schools. Up to \$13,000,000 of the total funds appropriated for technical assistance shall be used by the department to work with those schools identified as priority schools.

The department will create a system of levels of technical assistance for schools that will receive technical assistance funds. The levels will be determined by the severity of not meeting report card criteria. The levels of technical assistance may include a per student allocation, placement of a principal mentor, replacement of the principal, and/or reconstitution of a school.

Reconstitution means the redesign or reorganization of the school, which includes the declaration that all positions in the school are considered vacant. Certified staff currently employed in priority schools must undergo a formal evaluation in the spring following the school's identification as a priority school and must meet determined goals to be rehired and continue their employment at that school. Student achievement will be considered as a significant factor when determining whether to rehire existing staff. Educators who were employed at a school that is being reconstituted prior to the effective date of this proviso and to whom the employment and dismissal laws apply will not lose their rights in the reconstitution. If they are not rehired or are not assigned to another school in the school district they have the opportunity for a hearing. However, employment and dismissal laws shall not apply to educators who are employed in the district and assigned to the priority schools after the effective date of this proviso, in the event of a reconstitution of the school in which the educator is employed. Those rights are only suspended in the event of a reconstitution of the entire school staff. Additionally, the rights and requirements of the employment and dismissal laws do not apply to educators who are currently on an induction or annual contract, that subsequently are offered continuing contract status after the effective date of this proviso, and are employed at a school that is subject to reconstitution under this proviso.

The reconstitution of a school could take place if the school has been identified as a priority school that has failed to improve satisfactorily. The decision to reconstitute a school shall be made by the State Superintendent of Education in consultation with the principal and/or principal mentor and the district superintendent. In the event the local school board does not support the employment actions of the principal and district superintendent, the State Board of Education may suspend or revoke the certification of an incompetent teacher or principal pursuant to its statutory authority if just cause is shown. Just cause includes the

**PROVISO SUBCOMMITTEE
PUBLIC EDUCATION AND SPECIAL SCHOOLS
RECOMMENDATIONS FOR FY 2009-10
TO THE HOUSE WAYS AND MEANS COMMITTEE**

grounds of incompetence. The decision to reconstitute a school shall be made by April 1, at which time notice shall be given to all employees of the school. The department, in consultation with the principal and district superintendent, shall develop a staffing plan, recruitment and performance bonuses, and a budget for each reconstituted school.

Upon approval of the school renewal plans by the department and the State Board of Education, a newly identified school or a currently identified school with an absolute rating of below average or at-risk on the report card will receive a base amount and a per pupil allocation based on the previous year's average daily membership as determined by the annual budget appropriation. No more than fifteen percent of funds not expended in the prior fiscal year may be carried forward and expended in the current fiscal year for strategies outlined in the school's renewal plan. Schools must use technical assistance funds to augment or increase, not to replace or supplant local or state revenues that would have been used if the technical assistance funds had not been available. Schools must use technical assistance funds only to supplement, and to the extent practical, increase the level of funds available from other revenue sources.

- 1A.41 AMEND** (School Districts and Special Schools Flexibility) Authorizes school districts and special schools to transfer up to 100% of funds between programs to any instructional program provided the funds are used for direct classroom instruction; directs the department to establish a procedure for reviewing these transfers and to provide members of the General Assembly details on the transfers if so requested; authorizes school districts and special schools to carry forward unexpended funds; requires the transfers to be completed by May 1st; authorizes all school districts and special schools to spend Children's Education Endowment Fund monies received for school facilities and fixed equipment assistance, for any instructional program; directs the EOC to review the use of the flexibility proviso to determine how it enhances or detracts from achieving the goals of the educational accountability system; directs the department to report to the EOC on the transfers for the comprehensive review which shall be provided annually to the General Assembly; prohibits grants or technical assistance funds awarded to individual schools from being reduced or reallocated within the school district and requires that these funds must be spent by the receiving school only according to the guidelines governing the funds. Directs that prior to implementing the authorized flexibility, school districts must provide Public Charter Schools with the per pupil allocation they are due for each categorical program.

PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to require the comprehensive review be provided to the General Assembly "biennially" rather than "annually." *Results from year to year do not show significant changes. Evaluations over time would provide more information for policy makers.* Fiscal Impact: OSB indicates the department and EOC estimate no impact on EIA funds. Requested by Education Oversight Committee.

1A.41. (SDE-EIA: School Districts and Special Schools Flexibility) All school districts and special schools of this State may transfer up to one hundred percent of funds between programs to any instructional program provided the funds are utilized for direct classroom instruction.

The South Carolina Department of Education must establish a procedure for the review of all transfers authorized by this provision. The details of such transfers must be provided to members of the General Assembly upon request. School districts and special schools may carry forward unexpended funds from the prior fiscal year into the current fiscal year to be used for the same purpose. All transfers executed pursuant to this provision must be

**PROVISO SUBCOMMITTEE
PUBLIC EDUCATION AND SPECIAL SCHOOLS
RECOMMENDATIONS FOR FY 2009-10
TO THE HOUSE WAYS AND MEANS COMMITTEE**

completed by May first of the current fiscal year. All school districts and special schools of this State may expend funds received from the Children's Education Endowment Fund for school facilities and fixed equipment assistance, for any instructional program. The Education Oversight Committee shall review the utilization of the flexibility provision to determine how it enhances or detracts from the achievement of the goals of the educational accountability system, including the ways in which school districts and the state organize for maximum benefit to classroom instruction, priorities among existing programs and services, and the impact on short, as well as, long-term objectives. The State Department of Education shall provide the reports on the transfers to the Education Oversight Committee for the comprehensive review. This review shall be provided to the members of the General Assembly ~~annually~~ *biennially*. Any grant or technical assistance funds allocated directly to an individual school may not be reduced or reallocated within the school district and must be expended by the receiving school only according to the guidelines governing the funds.

Prior to implementing the flexibility authorized herein, school districts must provide to Public Charter Schools the per pupil allocation due to them for each categorical program.

- 1A.43** **DELETE** (EAA Summer School, Grades 3-8) Provides guidelines for allocating summer school funds to each local public school district. Directs the department, working with and through the SC Afterschool Alliance to provide \$250,000 to produce a model of voluntary quality standards for out of school time programs, to develop a technical assistance directory, and to identify gaps in service.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *See new proviso 1A.rsf for consolidation of programs for students at risk of school failure.* Fiscal Impact: Pending. Requested by Education Oversight Committee.

~~1A.43. (SDE-EIA: EAA Summer School, Grades 3-8) Funds appropriated for summer school shall be allocated to each local public school district based on the number of academic subject area scores below the basic on the prior year Spring PACT administration for students in grades three through eight and on the number of students entering ninth grade who score below proficient in reading. Individual student scores on the PACT shall not be the sole criterion used to determine whether a student on an academic plan the prior year will be placed on probation or retained. Individual student scores on the PACT shall not be the sole criterion for requiring students to attend summer school. School districts may consider other factors such as student performance, teacher judgment, and social, emotional, and physical development in placing students on academic probation or requiring summer school attendance. Students may not be placed on academic probation or retained based solely on the PACT scores. The State Department of Education working with the Education Oversight Committee must develop a method to supplement the PACT with diagnostic training and materials aligned to the content standards. Current year appropriations may be expended for prior year EAA summer school purposes. Local public school districts shall utilize these funds in accordance with the requirements of Section 59-18-500 of the 1976 Code. The State Department of Education is directed to utilize PACT-like tests aligned with standards to be administered to students on academic probation required to attend summer school. The test shall be a determinate in judging whether the student has the skills to succeed at the next grade level. The State Board of Education shall establish regulations to define the extenuating circumstances including death of an immediate family member or severe long term student illness, under which the requirements of Section 59-18-900(D) may be waived. Furthermore, the Department of Education, working with and through the SC Afterschool Alliance, will~~

**PROVISO SUBCOMMITTEE
PUBLIC EDUCATION AND SPECIAL SCHOOLS
RECOMMENDATIONS FOR FY 2009-10
TO THE HOUSE WAYS AND MEANS COMMITTEE**

~~provide \$250,000 to produce a model of voluntary quality standards for out-of-school-time programs, develop a directory of technical assistance, and identify gaps of service.~~

- 1A.44 DELETE** (Alternative School Waiver Requirement) Authorizes alternative schools to receive funding if they meet the standards to qualify for a waiver from the Department of Education established in Section 59-63-1310 for site requirements.
PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *See new proviso 1A.rsf for consolidation of programs for students at risk of school failure.* Fiscal Impact: Pending. Requested by Education Oversight Committee.

~~**1A.44.** (SDE-EIA: Alternative School Waiver Requirement) Alternative schools may receive funding if they meet the standards to qualify for a waiver from the Department of Education established in Section 59-63-1310 for site requirements for the current fiscal year.~~

- 1A.45 DELETE** (Class Size Reduction-Grade One) Directs that school districts that choose to reduce class size to 15:1 in grades one through three are eligible for funding for the reduced pupil-teacher ratios from funds provided by the General Assembly for this purpose.
PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *See new proviso 1A.rsf for consolidation of programs for students at risk of school failure.* Fiscal Impact: Pending. Requested by Education Oversight Committee.

~~**1A.45.** (SDE-EIA: Class Size Reduction-Grade One) School districts which choose to reduce class size to fifteen to one in grades one through three shall be eligible for funding for the reduced pupil-teacher ratios from funds provided by the General Assembly for this purpose.~~

- 1A.47 AMEND** (PSAT/PLAN Reimbursement) Directs that assessment appropriations be used to pay for administering PSAT or PLAN tests to 10th grade students to include the testing and report fees. Authorizes the department to carry forward prior year assessment funds to pay for state assessment activities not completed by the end of the fiscal year including scoring the spring PACT assessment.
PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to change "PACT" reference to "statewide accountability" assessment. *PACT will no longer be administered. Conform to Section 59-18-340 of Act 282 of 2008.* Fiscal Impact: OSB indicates the department estimates no impact on EIA funds. Requested by Department of Education. See 1.27 for general education companion proviso.

~~**1A.47.** (SDE-EIA: PSAT/PLAN Reimbursement) Funds appropriated for assessment shall be used to pay for the administration of the PSAT or PLAN test to tenth grade students to include the testing fee and report fee. The department is authorized to carry forward into the current fiscal year, prior year state assessment funds for the purpose of paying for state assessment activities not completed by the end of the fiscal year including the scoring of the spring PACT statewide accountability assessment.~~

- 1A.54 DELETE** (Formative Reading Assessment) Authorizes school districts to use their state, local, and federal funds for other formative reading assessments that have been approved by the department instead of using the State Board approved developmental appropriate formative reading assessment for grades 1 and 2. Directs that districts be required to inform the department by August 1, 2008 what assessment they will use.

**PROVISO SUBCOMMITTEE
PUBLIC EDUCATION AND SPECIAL SCHOOLS
RECOMMENDATIONS FOR FY 2009-10
TO THE HOUSE WAYS AND MEANS COMMITTEE**

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *The requirement for the program is not included in Act 282 of 2008.* Fiscal Impact: OSB indicates no impact on EIA funds. Requested by Department of Education. See 1.69 for general education companion proviso.

~~1A.54. (SDE-EIA: Formative Reading Assessment) School districts may utilize their state, local, and federal funding for other formative reading assessments that have been approved for use by a Department of Education program in lieu of using the State Board approved developmental appropriate formative reading assessment for grades one and two. By August 1, 2008, districts shall be required to inform the Department of Education what assessment for grades one and two will be used.~~

1A.mr ADD (EIA Matching Requirement) PROVISO SUBCOMMITTEE RECOMMENDATION: ADD new proviso to direct that the Writing Improvement Network, South Carolina Geographic Alliance, SC Afterschool Alliance, Science P.L.U.S. Institute at Roper Mountain Science Center and SC Council on Economic Education must match their EIA appropriation with funds generated from grants, private contributions, or fees. Require the match equal 25% of their actual EIA appropriation after any mid-year revenue shortfalls. Require these entities to document the collection of matching funds in their annual budget and program evaluation submitted to the EOC. *A matching funds requirement would encourage these professional development entities to seek alternative revenue sources for program expansion.* Fiscal Impact: The EOC states that depending upon the EIA appropriations to these entities, it is projected that the matching funds would generate an additional \$200,000 for these entities. Requested by Education Oversight Committee.

1A.mr. (SDE-EIA: EIA Matching Requirement) With the funds appropriated for the Writing Improvement Network, the South Carolina Geographic Alliance, the SC Afterschool Alliance, Science P.L.U.S. Institute at Roper Mountain Science Center and the South Carolina Council on Economic Education, these entities that provide professional development services must match their EIA appropriation with funds generated from grants, private contributions, or fees. The match must equal 25% of their actual EIA appropriation after any mid-year revenue shortfalls. These entities must document the collection of matching funds in their annual budget and program evaluation submitted to the Education Oversight Committee.

1A.oys ADD / CONFORM TO PROVISO 1A.22 (One-Year Suspension of EIA Programs) PROVISO SUBCOMMITTEE RECOMMENDATION: ADD new proviso to temporarily suspend the following EIA programs for FY 09-10 and instead to allocate the funds appropriated to them to teacher salaries and fringe benefits, except that \$545,000 external review team funds will be directed to the Teaching Fellows Program by proviso 1A.22: competitive teacher grants, Palmetto Gold and Silver program and external review teams. Direct that schools will still be recognized as Palmetto Gold and Silver recipients in 2009-10, but will not receive funding for such recognition. Require the department to review the state's textbook adoption program to establish a transition plan to use electronic instructional materials. Direct that the transition plan should address content area, grades or courses including, teacher professional development, and state, district and student responsibility. Direct the department to present the plan to the Senate Education, Senate Finance, House Education and Public Works, and House Ways and Means Committees, the State Board of Education and the EOC by October 1, 2009. *Suspend these programs for one year due to declining EIA revenues.* Fiscal Impact: OSB indicates the department and EOC report no

**PROVISO SUBCOMMITTEE
PUBLIC EDUCATION AND SPECIAL SCHOOLS
RECOMMENDATIONS FOR FY 2009-10
TO THE HOUSE WAYS AND MEANS COMMITTEE**

fiscal impact. Funds will be redirected to use for teacher salaries and fringe benefits. The amount of funds redirected will be \$3,983,591, excluding the \$545,000 redirected to the Teaching Fellows Program pursuant to proviso 1A.22. The EOC states through the December 2008 EIA revenue reductions, the temporary suspension of these programs totals \$24.4 million. Requested by Education Oversight Committee

NOTE: PROVISO SUBCOMMITTEE ALSO RECOMMENDS CONFORMING 1A.oys TO THE ACTION ULTIMATELY TAKEN ON PROVISO 1A.22.

1A.oys. (SDE-EIA: One Year Suspension of EIA Programs) The following programs funded with EIA revenues will be temporarily suspended for Fiscal Year 2009-10 and funds appropriated to these programs allocated to teacher salaries and fringe benefits, with the exception of \$545,000 from external review teams which is directed to the Teaching Fellows Program by proviso 1A.22: competitive teacher grants, Palmetto Gold and Silver program and external review teams. Schools will still be recognized as Palmetto Gold and Silver recipients in 2009-10 but will not receive financial compensation. In the current fiscal year the Department of Education must review the state's textbook adoption program to establish a transition plan to the use of electronic instructional materials. The transition plan should address the content area, grades or courses included, teacher professional development, and state, district and student responsibility. The Department of Education must present the plan to the Senate Education Committee, the Senate Finance Committee, the House Education and Public Works Committee, the House Ways and Means Committee, the State Board of Education and the Education Oversight Committee no later than October 1, 2009.

- 1A.4k ADD (4K Targeting) PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to direct that EIA funds allocated for 4-year-old kindergarten shall be used to provide services to age-eligible children that qualify for free or reduced-price lunch or Medicaid or documented developmental delays. Direct that if more students seek to enroll than available space permits, students shall be prioritized (at the time of acceptance) on the basis of family income expressed as a percentage of the federal poverty guidelines, with the lowest family incomes given highest enrollment priority. Direct that if available space permits, students with documented developmental delays may also be deemed eligible to enroll. *Currently the state's ELA 4K program operates without specified targeting criteria, leaving the decision to local districts resulting in approximately 1/3 of 4K enrollment not qualifying as "at-risk" using the free or reduced Medicaid definition of the CDEPP 4K pilot.* Fiscal Impact: No impact on EIA funds. Requested by SC First Steps to School Readiness.

1A.4k. (SDE-EIA: 4K Targeting) ELA funds allocated for the provision of four-year-old kindergarten shall be utilized for the provision of services to age-eligible children qualifying for free or reduced-price lunch or Medicaid or documented developmental delays. In the event that more students seek to enroll than available space permits, students shall be prioritized (at the time of acceptance) on the basis of family income expressed as a percentage of the federal poverty guidelines, with the lowest family incomes given highest enrollment priority.

- 1A.read ADD (Reading) PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to require the department to allocate a minimum of 25% of funds appropriated for reading to school districts based on the number of weighted pupil units in each school district in proportion to the statewide weighted pupil units using the 135 day count of the prior school year. Require districts to spend the funds on teaching teachers how to teach reading at all

**PROVISO SUBCOMMITTEE
PUBLIC EDUCATION AND SPECIAL SCHOOLS
RECOMMENDATIONS FOR FY 2009-10
TO THE HOUSE WAYS AND MEANS COMMITTEE**

levels and across all content areas. Direct the department to retain the remaining funds to implement a comprehensive plan to improve reading, including the use of Reading Recovery and other reading initiatives and to increase the number of students scoring at met and exemplary levels on state assessments. *Consolidates reading provisos 1A.10, 1A.36, and 1A.38.* Fiscal Impact: Pending. Requested by Education Oversight Committee.

1A.read. (SDE-EIA: Reading) Of the funds appropriated for reading, the Department of Education must allocate a minimum of twenty-five percent of these funds to school districts based on the number of weighted pupil units in each school district in proportion to the statewide weighted pupil units using the 135 day count of the prior school year. Districts must expend the funds on teaching teachers how to teach reading at all levels and across all content areas. The remaining funds are retained by the Department of Education to implement a comprehensive plan to improve reading, including the use of Reading Recovery and other reading initiatives and to increase the number of students scoring at met and exemplary levels on state assessments.

1A.has ADD (Artistically and Academically High-Achieving Students) **PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to direct that EIA funds appropriated for high achieving students must be allocated to districts based on the number of students served in academic and artistically gifted and talented programs based on the prior year's 135-day count of ADM adjusted for the current year's 45-day count and the number of students taking Advanced Placement or International Baccalaureate (IB) exams in the prior year. Require that at least 85% of funds appropriated for each student so classified must be spent for instruction and instructional support for students who generated the funds. Authorize up to \$500,000 of the funds to be retained by the department for teacher endorsement activities. *Consolidates artistically and academically gifted students provisos 1A.2, 1A.3, and 1A.5.* Fiscal Impact: Pending. Requested by Education Oversight Committee.

1A.has. (SDE-EIA: Artistically and Academically High-Achieving Students) EIA funds appropriated for high achieving students must be allocated to districts based on two factors: (1) the number of students served in academic and artistically gifted and talented programs based on the prior year's 135-day count of average daily membership adjusted for the current year's 45-day count; and (2) the number of students taking Advanced Placement or International Baccalaureate (IB) exams in the prior year. At least eighty-five percent of the funds appropriated for each student classified herein must be spent for instruction and instructional support for students who generated the funds. Up to \$500,000 of the funds may be retained by the Department of Education for teacher endorsement activities.

1A.rsfsf ADD (Students at Risk of School Failure) **PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to require, for FY 09-10, that EIA funds appropriated for students at academic risk of school failure, which includes funds for Act 135 Academic Assistance, summer school, reduce class size, alternative schools, parent support and family literacy, be allocated to school districts based on the poverty index of the district as documented on the most recent district report card and on the number of students not in poverty or eligible for Medicaid but who fail to meet state standards on state standards-based assessments in either reading or math. Require that at least 85% of funds allocated for students classified as at academic risk be spent on instruction and instructional support for students who generated the funds. Direct that instructional support may include family literacy and parenting programs to students at-risk for school failure and their families. Define

**PROVISO SUBCOMMITTEE
PUBLIC EDUCATION AND SPECIAL SCHOOLS
RECOMMENDATIONS FOR FY 2009-10
TO THE HOUSE WAYS AND MEANS COMMITTEE**

students at academic risk as students who are at risk of not graduating from high school because they failed the English language arts or mathematics portion of the High School Assessment Program on their first attempt and who score not met on grades 3 through 8 in reading and math state assessments. *Consolidates students at risk of school failure provisos 1A.6, 1A.7, 1A.8, 1A.9, 1A.11, 1A.25, 1A.43, 1A.44, and 1A.45.* Fiscal Impact: Pending. Requested by Education Oversight Committee.

1A.rs.f. (SDE-EIA: Students at Risk of School Failure) For Fiscal Year 2009-10, EIA funds appropriated for students at academic risk of school failure, which include funds for Act 135 Academic Assistance, summer school, reduce class size, alternative schools, parent support and family literacy, must be allocated to school districts based two factors: (1) the poverty index of the district as documented on the most recent district report card, which measures student eligibility for the free or reduced price lunch program and Medicaid; and (2) the number of students not in poverty or eligible for Medicaid but who fail to meet state standards on state standards-based assessments in either reading or mathematics. At least eighty-five percent of the funds allocated for students classified as at academic risk must be spent on instruction and instructional support for these students who generated the funds. Instructional support may include family literacy and parenting programs to students at-risk for school failure and their families. Students at academic risk are defined as students who are at risk of not graduating from high school because they failed either the English language arts or mathematics portion of the High School Assessment Program on first attempt and who score not met on grades 3 through 8 in reading and mathematics state assessments.

1A.pd ADD (Professional Development) PROVISO SUBCOMMITTEE RECOMMENDATION: ADD new proviso to require professional development funds be allocated to districts based on the number of weighted pupil units in each school district in proportion to the statewide weighted pupil units using the 135 day count of the prior school year. Require the funds be spent on professional development for certificated instructional and instructional leadership personnel in grades K-12 across all content areas, including teaching in and through the arts. Direct that no more than 25% of professional development funds may be retained by the department for administration and provision of professional development services. Require the department to provide professional development on assessing student mastery of the content standards through classroom, formative, and end-of-year assessments. Require the department to post the South Carolina Professional Development Standards on the agency's Web site and provide training to school leadership on the professional development standards through telecommunication methods. *Consolidates professional development provisos 1A.14, 1A.15, 1A.27, and 1A.32.* Fiscal Impact: Pending. Requested by Education Oversight Committee.

1A.pd. (SDE-EIA: Professional Development) EIA funds appropriated for professional development must be allocated to districts based on the number of weighted pupil units in each school district in proportion to the statewide weighted pupil units using the 135 day count of the prior school year. The funds must be expended on professional development for certificated instructional and instructional leadership personnel in grades kindergarten through 12 across all content areas, including teaching in and through the arts. No more than twenty-five percent of the funds appropriated for professional development may be retained by the Department of Education for the administration and provision of professional development services. The Department of Education must provide professional development on assessing student mastery of the content standards through classroom, formative and end-

**PROVISO SUBCOMMITTEE
PUBLIC EDUCATION AND SPECIAL SCHOOLS
RECOMMENDATIONS FOR FY 2009-10
TO THE HOUSE WAYS AND MEANS COMMITTEE**

of-year assessments. The Department of Education also must post on the agency's Web site the South Carolina Professional Development Standards and provide training through telecommunication methods to school leadership on the professional development standards.

- 1A.rca. ADD (SDE-EIA: Report Card Advertisement) PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to waive the requirement that a school district must advertise the results of their schools' report cards within 45 days in an audited newspaper of general circulation in their geographic area if such a newspaper has published the entire school report card results as a news item. Fiscal Impact: No impact on EIA funds.

***1A.rca. (SDE-EIA: Report Card Advertisement)** If an audited newspaper of general circulation in a school district's geographic area has previously published the entire school report card results as a news item, the requirement that the school district must advertise the results of their schools' report cards in an audited newspaper of general circulation in their geographic area within 45 days shall be waived for the school district.*

SECTION 3 - H71 - WIL LOU GRAY OPPORTUNITY SCHOOL

- 3.usda ADD (USDA Federal Grants) PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to authorize the school to retain and expend all revenues generated from USDA federal grants in order to cover actual expenses in cafeteria/food service operations. *Allow for a more stable funding stream for cafeteria operations.* Fiscal Impact: No impact on the General Fund. Requested by Wil Lou Gray Opportunity School.

***3.usda. (WLG: USDA Federal Grants)** All revenues generated from U.S.D.A. federal grants may be retained and expended by the school in accordance with Federal regulations for the purpose of covering actual expenses in the cafeteria/food service operations of the school.*

- 3.bpr. ADD (By-Products Revenue Carry Forward) SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to authorize the school to sell goods that are by-products of the school's programs and operations, to charge user fee and fees for services to the general public, individuals, organizations, agencies and school districts and to retain and carry forward such revenue to cover school operations. *Allows the school to be more flexible with funding operations in the future.* Fiscal Impact: Pending. The school states estimated revenue would be \$5,000 to \$10,000. Requested by Wil Lou Gray Opportunity School.

***3.bpr. (WLG: By-Products Revenue Carry Forward)** The Wil Lou Gray Opportunity School is authorized to sell goods that are by-products of the school's programs and operations, charge user fees and fees for services to the general public, individuals, organizations, agencies and school districts, and such revenue may be retained and carried forward into the current fiscal year and expended for the purpose of covering expenses of the school's programs and operations.*

SECTION 5 - L12 - JOHN DE LA HOWE SCHOOL

- 5.dsc ADD (Deferred Salaries Carried Forward) PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to authorize the amount of deferred salaries and employer contributions earned in the prior fiscal year for non-twelve month employees to be

**PROVISO SUBCOMMITTEE
PUBLIC EDUCATION AND SPECIAL SCHOOLS
RECOMMENDATIONS FOR FY 2009-10
TO THE HOUSE WAYS AND MEANS COMMITTEE**

carried forward into the current fiscal year. Direct that these funds not be included as part of any other authorized carry forward amount. *Provides the same authority as Wil Lou Gray has pertaining to deferred salaries for non-twelve month employees.* Fiscal Impact: OSB indicates no impact on the General Fund. Requested by John de la Howe School.

5.dsc. (JDLHS: Deferred Salaries Carried Forward) John de la Howe School is authorized to carry forward into the current fiscal year the amount of deferred salaries and employer contributions earned in the prior fiscal year for non-twelve month employees. These deferred funds are not to be included or part of any other authorized carry forward amount.

SECTION 19 - H67 - EDUCATIONAL TELEVISION COMMISSION

- 19.3 AMEND** (SC Educational Broadband Service Commission/Broadband License) Creates a seven member South Carolina Educational Broadband Service Commission to obtain proposals from commercial entities for leasing excess spectrum capacity of ETV's Education Broadband Service Licenses. Directs the commission to recommend one of the proposals for approval of the Joint Bond Review Committee and subsequently the Budget and Control Board. Assigns the B&C Board responsibility for managing and administering the agreements resulting from an approved proposal upon termination of the commission (six months after all agreements are executed, or no later than June 30, 2010), and requires the board to pay expenses of the Commission up to \$750,000.

PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to delete all but the last paragraph requiring the B&C Board to pay up to \$750,000 of commission expenses. Amend to reference Act 405 of 2008 and specify that the \$750,000 for commission expenses applies to all years combined. Delete reference to the authority to use "Funded Debt Sinking Fund" and update fiscal year references. *Proviso passed as a joint resolution (Act 405 of 2008) except for the last paragraph.* Fiscal Impact: OSB indicates no impact on the General Fund. Maintains the requirement that the B&C Board pay up to \$750,000 of the commission's expenses. Requested by Budget and Control Board.

~~19.3. (ETV: SC Educational Broadband Service Commission/Broadband License) There is created a commission to be known as the South Carolina Educational Broadband Service Commission. All appointees must have a background of substantial duration and expertise in business. The commission shall be composed of the following seven members:~~

- ~~(1) One member of the private sector appointed by the President Pro Tempore of the Senate;~~
- ~~(2) One member of the private sector appointed by the Speaker of the House of Representatives;~~
- ~~(3) One member of the private sector appointed by the Chairman of the Senate Finance Committee;~~
- ~~(4) One member of the private sector appointed by the Chairman of the House Ways and Means Committee;~~
- ~~(5) One member of the private sector appointed by the Chairman of the State Regulation of Public Utilities Review Committee;~~
- ~~(6) One member of the private sector appointed by the Vice Chairman of the State Regulation of Public Utilities Review Committee; and~~
- ~~(7) One member of the private sector appointed by the Governor.~~

**PROVISO SUBCOMMITTEE
PUBLIC EDUCATION AND SPECIAL SCHOOLS
RECOMMENDATIONS FOR FY 2009-10
TO THE HOUSE WAYS AND MEANS COMMITTEE**

~~The commission shall elect its chairman and vice chairman at the first meeting of the commission. The appointee of the President Pro Tempore of the Senate shall call an organizational meeting for the purpose of electing officers and other matters that may arise.~~

~~The commission must meet as soon as practicable after a majority of members have been appointed. A majority of members of the commission who have been appointed shall constitute a quorum for the transaction of business. A vacancy on the commission shall not impair the ability of a quorum to exercise and perform the powers and duties of the commission.~~

~~Commission members serve at the pleasure of the appointing authority. A vacancy in the membership of the commission must be filled in the manner of the original appointment. Commission membership does not constitute an office for purposes of the prohibition on dual office holding provided in Section 3, Article VI of the Constitution of the State. Commission members are subject to the provisions of the Ethics, Government Accountability, and Campaign Reform Act, Chapter 13 of Title 8.~~

~~Members shall serve without compensation but are allowed the usual per diem and mileage as provided by law for members of boards, commissions, and committees while on official business.~~

~~The commission has the following powers and duties:~~

~~(1) The commission shall use a competitive process to obtain proposals from commercial entities for the leasing of the excess spectrum capacity of the Education Broadband Service (EBS) licenses held by the South Carolina Educational Television Network. The commission shall seek proposals that utilize the excess spectrum capacity of the EBS licenses in the following manners: (a) a single lease of ETV's excess spectrum capacity without any service requirements; (b) a single lease of ETV's excess spectrum capacity with service requirements as recommended by the commission; (c) multiple leases on a regional basis without any service requirements, such regions to be determined by the commission; (d) multiple leases on a regional basis with service requirements as recommended by the commission, such regions to be determined by the commission; and (e) other manners deemed appropriate by the commission. The commission must also consider whether to include any lease of tower space in the proposals in the lease of excess spectrum capacity. In determining any service requirements to impose on potential lessees, the commission must consider the costs and benefits, both monetary and societal, that would be borne by or inure to the public at large, as well as the public to be served. Because broadband service may be provided using a number of different technologies, each of which has unique characteristics and advantages, the commission, in developing its recommended service requirements, must consider the costs and benefits of all methods available to deploy broadband services throughout the State, including wireline, wireless technologies utilizing other bands of the spectrum, or satellite. The commission must not impose any pricing requirements on lessees and must take steps to ensure that the state's assets are not made available to a private broadband service provider to subsidize a private company's competitive service offerings. The competitive process used by the commission shall be governed exclusively by the procedures stated herein and procedures established by the commission.~~

~~(2) The commission shall evaluate the proposals and present the proposals and its recommendations to the Joint Bond Review Committee. The Joint Bond Review Committee shall evaluate the proposals and the commission's recommendations to determine whether a proposal shall be approved. If the Joint Bond Review Committee determines that a proposal shall be approved, this determination shall be presented at the next meeting of the Budget and Control Board for review and approval. If the Budget and Control Board does not approve a proposal, it shall be returned to the Joint Bond Review Committee for further evaluation and~~

**PROVISO SUBCOMMITTEE
PUBLIC EDUCATION AND SPECIAL SCHOOLS
RECOMMENDATIONS FOR FY 2009-10
TO THE HOUSE WAYS AND MEANS COMMITTEE**

~~recommendation. The South Carolina Education Television Network must take actions necessary to facilitate the lease of the excess spectrum capacity of the EBS licenses in the manner set forth in an approved proposal and to ensure that ETV complies with any FCC rules or requirements. Revenue received by the State from an approved proposal must be deposited into the State General Fund for recommendation by the Governor and appropriation by the General Assembly.~~

~~(3) The commission is exempt from the Consolidated Procurement Code and is authorized to engage legal counsel, consultants, or other experts to assist it in carrying out its powers and duties subject to the approval of the Executive Director of the Budget and Control Board.~~

~~The commission shall use clerical and professional employees of the Budget and Control Board. Upon request of the commission, the South Carolina Educational Television Network must make staff available to the commission.~~

~~The commission shall terminate six months after all agreements resulting from an approved proposal are finally executed or no later than June 30, 2010. Upon termination of the commission, the Budget and Control Board shall assume responsibility for the management and administration of all agreements resulting from an approved proposal.~~

The Budget and Control Board is authorized and directed to pay for any expenses of the commission incurred that the Broadband Service Commission established by 2008 Act 405 incurs in the performance of its responsibilities, including but not limited to the cost of professional assistance, up to an aggregate amount not to exceed \$750,000 from all years combined. The Executive Director of the Budget and Control Board is authorized to expend and use such sources of agency funds as the director determines, ~~including the dormant Funded Debt Sinking Fund~~. In addition to any other carry forward allowed by law, the Budget and Control Board is specially authorized to carry forward from Fiscal Year ~~2007-08 2008-09~~ into Fiscal Year ~~2008-09 2009-10~~ unspent general fund appropriations in the maximum amount it may be required to expend in support of the commission and its activities.